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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. GALLEGOS CHIRIBOGA (Ecuador)

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GE.98-12116 (E)

The meeting was called to order at 3 p.m.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/L.39)

Draft resolution E/CN.4/1998/L.39 (Assistance to Guatemala in the field of human rights)

1. Mr. GALLEGOS CHIRIBOGA (Ecuador) introduced, on behalf of its sponsors, draft resolution E/CN.4/1998/L.39, which would put an end to the consideration of the situation of human rights in Guatemala if adopted. Few countries had received as active human rights monitoring by the United Nations for so lengthy a period as Guatemala. Furthermore, at a time of welcome developments such as the conclusion of the peace agreement in northern Ireland, the peace process in Guatemala was in itself an exemplary process, with a wealth of lessons for the international community, and a source of inspiration for other countries. Peace in Guatemala had its roots in the process begun during the Cold War years by the countries of Central America (Esquipulas II Agreement), which, tired of being pawns in the rivalry between the two nuclear super-Powers, had asked for help from the United Nations in beginning the difficult task of seeking peace through negotiation and dialogue. And in a way, the peace in Guatemala was also a Latin American peace.

2. The draft resolution under review reflected a consensus among the national participants in the peace process, but also had the backing of all the countries of Latin America and the Caribbean. With the full agreement of the parties concerned, and in order to ensure consistency between the operative part of the draft resolution and its preamble, it had been proposed that the following new paragraph should be added after paragraph 2:

> "Recognizes the efforts of the Government of Guatemala in the field of human rights and encourages it further to promote human rights and fundamental freedoms and to intensify policies which will improve public security conditions and the administration of justice, especially in the fight against impunity;"

Another proposal, also accepted by the parties concerned, consisted of deleting the adjective "basic" as the modifier of human rights in the fifth preambular paragraph and describing resources as being "necessary" rather than "indispensable" in paragraph 13.

3. Mrs. KLEIN (Secretary of the Commission) said that Spain, Italy, Norway and the United States of America had become sponsors of the draft resolution.

4. The CHAIRMAN informed the members of the Commission that the draft resolution would have no financial implications. If he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1998/L.39, as orally amended, without a vote.

5. It was so decided.

6. Mr. PERALTA (Guatemala) thanked the Commission for showing its confidence in the Guatemalan Government by deciding to end its consideration

of the situation of human rights in Guatemala. He also expressed his Government's recognition to the sponsors of the draft resolution. The international community had provided valuable assistance both in helping to ensure respect for human rights and in strengthening the process of democratization and peace in Guatemala. As the Minister for Foreign Affairs of Guatemala had stated before the Commission on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, Guatemala was the best example of the progress that could be achieved in the area of human rights when a State exercised its national sovereignty in deciding freely to accept cooperation and advisory assistance from the international community.

7. The resolution just adopted marked the end of a period of suffering and fratricidal clashes and opened the way for economic and social development. With the implementation of the peace agreements, the Guatemalan Government, the Unidad Revolucionaria Nacional Guatemalteca and the people of Guatemala as a whole were determined to establish a mutually supportive society founded on equity - social, ethnic and sexual. Guatemala was endeavouring to justify the international community's confidence in it by continuing to strengthen the rule of law and ensure full respect for human rights. Reaffirming the importance of the agreement on the provision of advisory services in the field of human rights and the role of the United Nations Verification Mission in Guatemala (MINUGUA), he expressed deep regret for the recent tragic accident in which several members of the Mission had died while working for peace and reiterated the deep sadness of the Government and people of Guatemala.

8. The defence and promotion of peace, democracy and human rights continued to demand ongoing efforts by the international community to provide the inhabitants of the entire planet with the full enjoyment of the rights to which every human being was entitled. Strengthened by their experience, the Government and people of Guatemala were determined to help achieve that objective.

9. Mr. ZAPATA (Unidad Revolucionaria Nacional Guatemalteca - URNG) expressed his organization's gratitude to the Commission for its ongoing monitoring of the human rights situation in Guatemala for 19 years and its key role in defending the rights of the Guatemalan people and settling the conflict. Fifteen months after the signature of the peace agreement, Guatemala was determined to achieve progress towards democracy and to deal with the structural problems which had been at the root of the armed conflict and had not yet been solved. It was essential to seize the historic opportunity being offered to all Guatemalans to take responsibility for the peace agreements as the priority national task, which transcended special interests of any kind.

10. The resolution adopted by the Commission represented political support of crucial importance to the peace process, in its recognition of the progress achieved, but also in its indication of the main problems involved and in the identification of the main areas of resistance from the traditional sectors of power in Guatemala. He had in mind the crucial decisions which remained to be taken regarding constitutional, tax and judicial reforms, the strengthening of civil institutions, agrarian issues, the modernization of the Government and recognition of the ethnic, cultural and linguistic diversity of the Guatemalan nation.

11. URNG hoped that the international community would continue to support Guatemala given the new political situation prevailing in the country, which MINUGUA had played a key role in introducing. UNRG expressed its appreciation to the Special Rapporteur and the independent experts and to the Secretary-General's Mission in Guatemala, whose conclusions were a valuable contribution to the establishment of peace in Guatemala.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1998/3 and Corr.1, 9, 12-15, 55-67, 68 and Add.1-3, 69-73, 113, 114, 126, 127, 130, 132, 138-140, 142, 143, 147-150, 152 and 154; E/CN.4/1998/NGO/7, 13, 39, 40 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

Situation of human rights in Afghanistan

12. Mr. Choong-Hyun PAIK (Special Rapporteur on the situation of human rights in Afghanistan) said that, in the year of its fiftieth anniversary, the Universal Declaration of Human Rights was far from being a common standard for the people of Afghanistan, in particular its female population. Grave violations of human rights had taken place in Afghanistan since the Commission's previous session, the most serious being the alleged mass killings in the north of both combatants and civilians. The forensic expert who had accompanied him on a visit in December 1997 to a number of mass graves and burial sites in the three regions concerned had concluded that two of those areas contained evidence that might support allegations of human rights abuses. He had therefore recommended in his report a thorough, neutral and independent investigation to seek out and punish the violators. The mass killings had further exacerbated the ethnic divide in Afghanistan and eroded the already fragile social fabric, generating a vicious circle of retaliatory massacres which must be halted immediately.

13. The general human rights situation in Afghanistan, in the areas controlled by both the Taliban movement and the Northern Alliance, had further deteriorated; violations continued to be perpetrated by both parties. Security had deteriorated further in all parts of the country and aid agencies had had to evacuate their international staff or suspend operations in the wake of deliberate physical attacks.

14. An additional development of extreme gravity was the edict issued by the Taliban in March 1998 which required that female Muslim international staff be denied access to and the possibility of work in Afghanistan unless accompanied by a close male relative. The situation of women, who were being prevented from enjoying their basic human rights (health care, education and employment), especially in urban areas controlled by the Taliban movement, was particularly disturbing and had further deteriorated. In northern Afghanistan, although the situation of women was less severe, there was no evidence of improvement and less attention was paid to the protection of human rights in general, mainly due to fighting among the rival factions of the

Northern Alliance. The parts controlled by the Taliban movement made Afghanistan the only country in the world where gender discrimination was an official policy. Notwithstanding cultural and other specificities, the international community could not and should not accept such a situation.

15. Practices of corporal punishment such as amputations and public executions which were incompatible with the provisions of the Convention against Torture, ratified by Afghanistan, continued to take place in areas controlled by the Taliban. In that connection, the Special Rapporteur on torture had expressed the view that States applying religious law were bound to do so in such a way as to avoid the application of pain-inducing acts of corporal punishment in practice.

16. The general situation of human rights throughout Afghanistan had resulted in massive internal displacement and a large number of Afghans living outside the country's territory. In view of the continuing civil war in Afghanistan, the situation of Afghan refugees should be considered within the framework of a long-term policy of the international community regarding the neighbouring States which were bearing the refugee burden. Afghanistan had no central Government and virtually no economy. Although, as the Independent Expert on Somalia had observed, the absence of a central Government in the country should not remain an obstacle to re-establishing respect for human rights, the end of the armed conflict and the formation of a broad-based fully representative Government would be a stepping stone for re-establishing respect for human rights in Afghanistan.

17. Mr. TANDAR (Observer for Afghanistan) commended the Special Rapporteur on his report, which was the fifteenth on the situation of human rights in Afghanistan in 20 years of conflict and the most alarming. A large part of the Afghan population - everyone under 20 years of age - did not know peace, had witnessed acts of violence, had seen human beings, loved ones, killed, were living in fear. The deliberate strategy of the Taliban, who combined the violence of weapons with the violence of the arbitrary, extremism and obscurantism, was to divide the Afghan people on any possible pretext, even that of religion, despite religion's traditional unifying role, at the cost of the life, human dignity and future of an entire people. Not satisfied with tearing the nation apart, the Taliban were also turning Afghanistan into the country of sexual apartheid.

18. The war in Afghanistan was not an ethnic war: the Taliban did not represent an ethnic group and they were considered by the people to be occupiers. Outside of a war situation, they did not exist and they bore the entire responsibility for the military offensives which had taken place during the preceding year and which had aggravated the human rights situation in the country. For the authorities of the Islamic State of Afghanistan, there could be no military solution to the conflict: the only possible solution was a political one. They remained prepared to enter into negotiations, in Afghanistan or elsewhere, to end an absurd war, but they would not budge on one essential point: the question of national independence. The recognition of Afghanistan's territorial integrity and the end of foreign interference were a sine qua non.

19. The obscurantist and totalitarian ideology behind the Taliban, who were the enemies of beauty, joy and life, had not only plunged Afghanistan into hell, but even threatened other countries, as well as the peace and prosperity of the entire region. The international community had a political and moral duty to seek a political solution in Afghanistan with determination and sincerity. The Afghan authorities ardently desired the success of the mission of the Secretary-General's Special Envoy for Afghanistan and the mission which was to be undertaken by the Permanent Representative of the United States to the United Nations on behalf of the United States Government and the Governments of seven other States in order to end the war and whose success they would do everything in their power to ensure.

20. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

21. Mr. COPITHORNE (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing his report (E/CN.4/1998/59), said that, while some had cast doubt on the intentions of the new Government to improve the human rights situation in the country, given the significant number of changes over the three months covered by the report, the Iranian Government should be given the benefit of the doubt. The priorities chosen and the rate of progress might be questioned, but the Government's intent to effect change was undeniable. There were, to be sure, powerful interest groups in the country which appeared determined to resist change. However, action being carried out in several areas gave every reason to believe that the President of the Republic had a strategy for overcoming the obstacles to change.

22. Discussions were under way on a further visit to Iran and he was hopeful that an early agreement would be reached and that the Government would return to full cooperation with the Commission in that regard.

23. He expressed the hope that the resolution to be adopted by the Commission on the situation of human rights in Iran would not become bogged down in details and that it would reflect the prospect of substantial change that was now so clearly evident in that country.

24. Mr. KHORRAN (Islamic Republic of Iran) said that the new Government had undertaken many initiatives to institutionalize the rule of law, consistent with the provisions of the Constitution and Islamic values. Convinced that human rights should be promoted from within, it had established new national mechanisms. There were numerous advantages of a national approach over international monitoring: it involved all institutions of civil society, mobilized the necessary support, was consistent with the particularities of each society and, above all, helped create an environment conducive to the continued promotion of human rights.

25. In that light, the Special Representative could play an important role in enhancing national capacities, including the provision of advisory services, increasing human rights education and strengthening the Iranian national institution for human rights (Islamic Commission for Human Rights).

26. The Special Representative's report failed to appreciate all of the positive developments in Iran and those omissions should be corrected. In any

event, the Islamic Republic of Iran remained determined to implement human rights principles and to continue its cooperation with the Special Representative.

27. Mr. ARTUCIO (Special Rapporteur on the situation of human rights in Equatorial Guinea), introducing his report (E/CN.4/1998/73 and Add.1), said that the political dialogue which had been held by the Government and the political parties from February to April 1997 and had yielded the "Document on the Evaluation of the National Pact and Legislative Agreements 1997" had given rise to great expectations of a decisive step forward in the process of democratization.

28. Regarding the status of women, much work remained to be done in the educational, professional, social and political spheres, but some progress had been achieved, notably through the activities of the Ministry of Social Affairs and the Situation of Women. There had been very little progress on economic, social and cultural rights and the extreme poverty in which a large part of the population of Equatorial Guinea lived remained a matter of concern. With regard to ethnic diversity, serious disturbances had taken place on 21 January 1998 on the island of Bioko and had led to a further visit by the Special Rapporteur in March 1998. During those events, an armed group of civilians had attacked several military barracks and police stations; the authorities had qualified those acts as "attempted insurrection" and ordered a full-scale state of emergency. The authorities' prompt reaction was no doubt the reason why it had been possible to avoid a deterioration in the situation, which, given the prevailing atmosphere of unrest, might have degenerated into an ethnic conflict. On 25 January, a group of Bubis had distanced themselves from the movement seeking self-determination for the island of Bioko and held a peaceful demonstration against the acts of violence. In the following days, it was reported, 550 people had been arrested and 110 were still being held. Many of the detainees had been subjected to torture and ill-treatment and the Government must be held responsible for not having provided for the security and physical integrity of the people detained.

29. Despite the serious incidents of January 1998, he saw no reason to modify his general assessment of the situation, which had been improving slightly until then. The events of January 1998 had been limited to the island of Bioko and there was reason to believe that only a small group of people had been responsible, as there was nothing to prove that they had been supported by the movement seeking self-determination for the island of Bioko, much less the Bubi population. Rather than repeat all the recommendations contained in the report, he stressed the need to recommend that the Government of Equatorial Guinea should vigorously promote forms of dialogue designed to integrate all the ethnic groups of the society, emphasized that it was important for the Commission to request the High Commissioner for Human Rights to continue to provide technical assistance and advisory services to Equatorial Guinea, in cooperation with the United Nations Development Programme, and noted that the progress achieved so far was not sufficient to enable the Commission to end its monitoring of the situation in Equatorial Guinea.

30. Mr. MAYE NSUE MANGUE (Observer for Equatorial Guinea) commended the Special Rapporteur, whose report accurately reflected the situation and

progress achieved in the field of human rights, and reaffirmed his Government's determination to continue cooperating with United Nations bodies, friendly countries and non-governmental organizations. He was pleased to inform the Commission that the revision of the National Pact between the Government and the political parties had been successfully completed and had helped to create an atmosphere of cooperation between the different political parties in the country. Further, to promote economic, social and cultural rights, the Government, in cooperation with the political parties and national and international economic leaders, had held the first National Economic Conference from 8 to 13 September 1997 in the city of Bata. In anticipation of the legislative elections to be held by the end of the year, the Government was taking the appropriate measures pursuant to the agreements with the political parties. In view of that progress, the Government believed that the technical assistance it was receiving in the field of human rights should be strengthened and it requested support from the Commission for its idea of establishing a centre for the promotion of human rights and democracy.

31. The Government of Equatorial Guinea thanked the Special Rapporteur for his visit, which had enabled the Special Rapporteur to make on-the-spot observations and verifications of the situation regarding the events which had occurred on the island of Bioko on 21 January, but it regretted that those events, which had been a terrorist attack threatening national unity and stability, had been deliberately misinterpreted to the public and to certain countries and international bodies cooperating with Equatorial Guinea and portrayed as no more than an ethnic and tribal conflict.

32. Mr. AKAO (Japan) said that, despite the remarkable progress in international protection of human rights over the last 50 years and the international community's proclamation of those rights as universal and indivisible, violations continued to be committed in every corner of the globe.

33. The situation in the former Yugoslavia, particularly in Kosovo, was extremely disturbing. The same could be said for Afghanistan, where torture, killings and discrimination against women and girls were common practice, and Algeria, where many thousands of innocent civilians had been killed or maimed. The situation in such countries as Iraq, Nigeria, the Sudan, Rwanda, Burundi, and the Democratic Republic of the Congo was also alarming.

34. On the other hand, there had been some progress in Iran, where the new Government had proclaimed the importance of the rule of law, citizen participation in politics and the protection of rights and freedoms. However, numerous problems persisted. His delegation was particularly disturbed by the fact that the Special Representative had not been allowed to visit the country since 1996.

35. With regard to Cuba, while continuing violations of human rights and fundamental freedoms remained a matter of deep concern, the Government of Japan welcomed the release of prisoners, including political prisoners, in response to international public opinion.

36. Japan evaluated positively the progress achieved in dialogues with China, which could create a cooperative, rather than confrontational, atmosphere in the Commission on Human Rights. He hoped that there would be further progress.

37. The Government of Japan also valued highly the steps taken by the Indonesian authorities in their determination to accept technical assistance from the Office of the High Commissioner for Human Rights. It would continue to follow the human rights situation in East Timor closely.

38. The Japanese Government did not regard discussions on the human rights situation in specific countries as intervention in their internal affairs. That principle was established in the Vienna Declaration and Programme of Action, which stated that the promotion and protection of all human rights was a legitimate concern of the international community. From that standpoint, the fact-finding activities of the various human rights mechanisms were extremely useful.

39. With regard to the politicization of human rights, it was essential to avoid a confrontational approach in Commission discussions, especially on agenda item 10. The ultimate goal of the discussion was not to degrade the target countries, but to raise the level of the protection of human rights.

40. In that regard, his delegation stressed the importance of the special rapporteurs' activities, which enabled the Commission to discuss its agenda items with increasing objectivity. It urged those nations which were unwilling to receive or cooperate with special rapporteurs, whether thematic or country-specific, to cooperate with them. He was thinking primarily of the Government of Myanmar. The special rapporteurs, in turn, had a heavy responsibility to bear. As their reports might form the basis for discussions in the Commission, their evaluations must be as balanced as possible.

41. Mr. ZAHRAN (Observer for Egypt) said that human rights must be defended with equal force everywhere in the world and double standards must be avoided. Neither must a country's human rights situation be used as a pretext for interfering in its internal affairs or to obtain undue economic advantages.

42. Southern Lebanon and West Bekaa continued to be occupied and their populations were constantly subjected to the gravest violations of human rights and international law on the part of the Israeli armed forces. Egypt reiterated its appeal to Israel to comply with Security Council resolution 425 (1978), in which the Council had called upon it to withdraw forthwith its forces from all Lebanese territory and to allow the Lebanese refugees to return to their homes. It urged Israel to resume negotiations towards a comprehensive settlement in the Middle East, in conformity with the provisions of the Madrid Agreement and the principle of land for peace, and to end human rights violations in the occupied territories.

43. The situation in the former Yugoslavia had improved considerably since the Dayton Agreements, but there would be neither peace nor stability in the region until the provisions of those Agreements were comprehensively applied. It was, in particular, imperative to enable all refugees and displaced persons who so wished to return home and to spare no effort to bring the war criminals

to justice. The Egyptian Government was deeply concerned by the tragic events taking place in Kosovo. It condemned the human rights violations, deeply regretted the loss of human life and urged that that situation should be ended forthwith and that measures should be taken to achieve a peaceful settlement of the conflict in conformity with international law.

44. In the Great Lakes region, the situation had been steadily deteriorating in the humanitarian, economic and social spheres. In that connection, Egypt welcomed the conclusions adopted by the Council of Ministers of the Organization of African Unity at its sixty-seventh session, in particular those relating to measures to bring to justice those responsible for the genocide and to ensure the voluntary repatriation of the refugees. Egypt was deeply concerned about the acts of violence against humanitarian workers and human rights observers, several of whom had been murdered; it hoped that the States concerned would soon launch a process of peace, national reconciliation and reconstruction to restore the security of the peoples of the region.

45. Mr. ALDURI (Observer for Iraq) said that human rights had unfortunately become a political weapon used by certain States selectively to promote narrow interests and a means of haggling and bringing pressure to bear on those States which refused to accept any threat to their sovereignty or independence. The very States which prided themselves on being the champions of human rights kept silent when crimes against humanity were committed by States in their own camp, when they did not actually try to conceal those crimes. He had in mind the United States' indulgence towards Israel and the uncompromising attitude towards certain Arab and Muslim States.

46. The sanctions against Iraq had resulted in flagrant violations of human rights, in particular the right to life. One million children had died since the imposition of the embargo in 1990. Genocide was actually being committed with the full knowledge of the international community and neither the United Nations nor the Commission was making any effort to stop it. As the Secretary-General himself had stated in a report to the Security Council of 4 March 1998 (S/1998/194), the Memorandum of Understanding which the Government of Iraq had concluded with the United Nations, under which Iraq had been authorized to sell oil to buy medicine and basic necessities, covered only 20 per cent of the people's essential health needs.

47. Equality among States was one of the fundamental principles of the Charter of the United Nations. Regrettably, that principle was constantly violated, as attested by the attitude of the United States Government during the recent crisis it had artificially created in the wake of problems in the implementation of Security Council resolutions relating to the elimination of weapons of mass destruction. The United States had not hesitated to concentrate its forces in the Arabian Gulf, jeopardizing the security and stability of the entire region.

48. His delegation urged the Commission not only to turn its attention to what was happening in Iraq, but to study the effects of the sanctions in the social, economic, legal and cultural spheres in order to determine their impact on human rights. It took the opportunity to reiterate its request that the Commission should demand the lifting of the embargo against Iraq, in order to bring an end to the suffering of the Iraqi people.

49. Mr. Chak Mun SEE (Observer for Singapore), referring to the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68), said that, in paragraph 83, the Special Rapporteur expressed concern about the existence in countries such as Singapore of laws relating to drug offences which did not fully guarantee the presumption of innocence, as the burden of proof lay partially on the accused. That was a misconception, however, as his delegation had indicted in the past. Under section 17 of the Misuse of Drugs Act, it must be proved that the accused had possession of a controlled drug in excess of the quantity specified in that section. Only then did a rebuttable presumption of trafficking in drugs arise. In order to invoke that presumption, it must also be shown that the accused knew the nature of the particular controlled drug, whether diamorphine, cannabis, cocaine or opium.

50. Secondly, paragraph 94 of the report concluded that the death penalty should be eliminated for economic and drug-related crimes. His delegation disagreed strongly with that view. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights stated that, in countries which had not abolished the death penalty, the death sentence might be imposed for the most serious crimes in accordance with the law in force at the time of commission and that the sentence must be carried out pursuant to a final judgement rendered by a competent court. It was an indisputable fact that drug trafficking was one of the most serious crimes and, because of its geographical situation, Singapore had to be particularly vigilant towards drug traffickers. His delegation had also written to the Special Rapporteur to outline its view on that point.

51. Lastly, in its conclusion on the desirability of the abolition of the death penalty, the report cited Commission resolution 1997/12. However, that resolution did not accurately reflect the views of the international community as a whole, as it had been adopted by only one vote and as 34 delegations had issued a joint statement at the 1997 substantive session of the Economic and Social Council disassociating themselves from the resolution (E/1997/106). That having been said, the Government of Singapore attached the highest importance to the right of every individual to life, liberty and security of person, which was enshrined in the Constitution of Singapore. It urged the Special Rapporteur not to exceed his mandate.

52. Mr. FARRELL (Observer for New Zealand) said that he remained concerned at the human rights situation in several countries throughout the world, beginning with the African Great Lakes region, where massive population movements and the armed conflict had led to human rights violations in Burundi, Rwanda and the Democratic Republic of the Congo. He was also concerned about human rights in Nigeria and shared the concern expressed by the Commonwealth Heads of Government in October 1997 at the continued detention without trial of a large number of persons. In the Sudan, continuing reports of human rights violations, in particular of the rights of women and children, were also a matter of concern. With regard to the tragic events in Algeria, New Zealand urged the Government of Algeria to enter into a process of informed and constructive dialogue aimed at putting an end to the atrocities. It deplored the fact that Iraq had again refused access to the Special Rapporteur on the situation of human rights in Iraq and was continuing

to ignore requests by United Nations agencies for the admission of human rights monitors; it welcomed the expansion of the "oil-for-food" programme and urged the Government to comply with its responsibilities for the benefit of its people.

53. Political instability in Afghanistan continued to give rise to human rights concerns. New Zealand urged the warring factions to move towards a peaceful resolution of their conflict. Human rights violations continued in the former Yugoslavia, despite some progress. Of greatest concern was the situation in Kosovo, which had deteriorated markedly since the Special Rapporteur's report, while the most significant progress appeared to have been made in the Former Yugoslav Republic of Macedonia. The human rights situation in Myanmar had not improved; it was essential for the Government to engage the opposition in a genuine political dialogue. In Cambodia, the Government must act against political violence and intimidation and make the conduct of free, fair and credible elections a high priority. The renewed use of violence in East Timor could not be justified; New Zealand urged the parties to strive for a comprehensive and internationally acceptable settlement.

54. Nevertheless, he welcomed the positive steps that had been taken in several countries. China had signed the International Covenant on Economic, Social and Cultural Rights and had announced that it would sign the International Covenant on Civil and Political Rights. In Iran, policy statements by President Khatami and the Government of Iran about tolerance and respecting civil rights and freedoms were encouraging developments; New Zealand also welcomed Iran's emerging leadership in regional human rights initiatives, including its able chairmanship of the United Nations Asia Pacific Human Rights Workshop held recently in Tehran. New Zealand would also like to place on record its recognition of the progress made towards achieving a peaceful resolution to the conflict on Bougainville.

55. Ms. SCHENSE (Human Rights Watch) said that the human rights crisis in Algeria was among the gravest in the world. An estimated 75,000 persons had been killed since 1992, most by armed groups opposed to the Government. Serious questions had been raised, however, about the Algerian Government's efforts to stop those massacres and it was well known that torture was practised in police interrogation centres. Furthermore, the Algerian authorities had rebuffed assistance efforts by Commission mechanisms and international human rights organizations. As yet, however, no Government had tabled a resolution on the situation in Algeria. Human Rights Watch called on the Commission to appoint a special rapporteur on the human rights situation in Algeria and to encourage the Government to cooperate with the Special Rapporteur. Such a step by the Commission would help save lives. The perpetrators of the massacres and other gross human rights abuses had operated for much too long with impunity.

56. Another country where serious human rights violations as well as opposition to United Nations human rights investigators had persisted was the Democratic Republic of the Congo. Hundreds of civilians had reportedly been killed by Government soldiers. Political activities by opposition groups and human rights defence organizations had been banned. The authorities had obstructed investigations into refugee massacres reported to have taken place

in the former Zaire. The work of the Secretary-General's investigative team had been suspended one week earlier. Human Rights Watch therefore called on the Commission strongly to condemn the ongoing violations of human rights in the Democratic Republic of the Congo, to renew the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and that of the Commission's joint investigative team and to request the Secretary-General's investigative team to continue its probe from outside the country; it urged all States with ties to the parties in conflict to provide information about the identity, command and deployment of troops, and any other relevant information, to the investigators.

57. Ms. SCHERER (Amnesty International) said that, at the fifty-fourth session of the Commission, Amnesty International was discussing human rights violations in a number of countries, including Cambodia, Colombia, Kenya, Saudi Arabia and Turkey. Information on the human rights situation in those five countries was found in Amnesty International's document for the Commission session. Her statement would relate to a country in the midst of a human rights crisis, one where the security forces, armed groups and State-armed militias killed with impunity, where the security forces failed to protect men, women and children from having their throats slit, where the families of the disappeared were still searching for their loved ones months and years after they had been arrested and where the violence had left up to 80,000 dead, many of them civilians. That country was Algeria and, although the international community was fully aware of the gravity of the human rights situation in the country, the Commission's silence had been deafening. For six years, the Commission had been a spectator to the tragedy. At the 1993 World Conference on Human Rights, States had solemnly pledged that human rights were a legitimate concern of the international community: how many Governments were prepared to give those words real meaning?

58. How much death and violence would it take for the Commission to face up to its responsibilities? Were the Algerian victims less deserving of action by the Commission than victims elsewhere? The Commission had not only a mandate to act on situations such as the one prevailing in Algeria, but a moral duty to do so. It should recommend a programme of action to ensure that the human rights situation in Algeria was addressed in a serious way. As an immediate first step, it should appoint a special rapporteur, supported by the thematic mechanisms and technical experts, to carry out on-site visits, in order to ensure scrutiny of the situation and report urgently to the Commission with recommendations for further action.

59. Mr. LITTMAN (Association for World Education) said that the themes of his statement would be genocide and any call to kill in the name of God. With regard to Rwanda, he welcomed the reports of the Special Representative and of the High Commissioner for Human Rights and said that lessons must be learned from the horrors of the past. Belgium and the United States of America, through President Clinton, had acknowledged their guilt by negligence, while the French authorities had begun a procedure for examining the responsibility borne by the French Government for its policies in Rwanda. In the words of the Secretary-General of the United Nations, the decision not to act was also a decision and incitements to genocide should be regularly monitored and condemned. The United Nations semi-indifference to the slavery-cum-genocide

in the Sudan since 1989 left a deep blemish on its reputation. As far as Israel was concerned, the aim of Hamas was the death of all Jews; its charter and written statements were an incitement to genocide. The Commission must act immediately.

60. An extreme form of the misuse of religion was the call to kill in the name of God and religion, which had never been condemned clearly by United Nations bodies as a crime against humanity. Any such call to kill was a universal evil that should be outlawed by the world community and by all spiritual leaders, as Pope John Paul II had done at Tunis on 14 April 1993, and as Imam Soheib Bencheikh, Mufti of Marseilles, had done in a statement to the Commission on 27 March in which he had condemned the barbarism being perpetrated daily in Algeria in the name of Islam. It was regrettable that the Government of Israel had not asked the country's highest religious authorities to condemn the statement by former Ashkenazi Chief Rabbi Shlomo Goren that any Jew might kill Arafat.

61. He asked the Chairman of the Commission to seek consensus for the Commission strongly to condemn any direct or public incitement to commit genocide and complicity in genocide, as defined in article III (c) and (e) and article IV of the Convention on the Prevention and Punishment of the Crime of Genocide and the comparable article 4 (a) of the 1965 Convention on the Elimination of Racial Discrimination, and strongly to condemn any call to kill in the name of God or religion, whatever its source.

62. Mr. SOTTAS (World Organization Against Torture - OMCT) said it was deplorable that certain serious human rights situations were not receiving adequate treatment, while others, which had earned sharp criticism from the Commission, had ceased to receive priority attention on the basis of a few as yet unfulfilled statements or promises. Non-governmental organizations were certainly the first to rejoice at positive developments, but they judged developments on a case-by-case basis rather than on declarations of intent.

63. With regard to Algeria, was it really impossible to intervene effectively to put an end to the violence? Could the Commission not provide the High Commissioner with a broader mandate and adequate resources at least to begin a process that might bring some calm to the situation? Regarding the Great Lakes region of Africa, although after many difficulties an international criminal court had been established in Rwanda, nothing, regrettably, had been done in Burundi. And yet over 10 years earlier, the Sub-Commission had adopted a study by Benjamin Whitaker on genocide, denouncing the genocides committed against the Hutus by the Tutsi-controlled Burundi army. The refusal by the authorities of the Democratic Republic of the Congo to permit a United Nations international commission of inquiry to make an in situ inquiry into the allegations of killings, their refusal to cooperate with the Special Rapporteur, Roberto Garretón, and their banning of an OMCT affiliate were all unacceptable and called for a reaction by the Commission.

64. The opening of an office of the High Commissioner for Human Rights in Bogotá was commendable, but, despite its positive impact, the office appeared to be far from responding to needs. OMCT hoped that it would be given

increased means to enable it to step up its activities. The situation in Indonesia and East Timor also remained disturbing. The hopes raised by the possibility of establishing a mechanism of the High Commissioner's office had been dashed, but should that disappointment be meekly accepted?

65. In view of the very serious human rights situations occurring throughout the world, the international community should adopt firmer measures to make the authorities concerned comply with binding international rules. The Commission's reluctance to do so was difficult to understand and raised the fear - after the hopes raised by the adoption of the Universal Declaration on Human Rights 50 years earlier - of a dangerous backslide.

66. Ms. HARRY (International PEN) said that her organization, which represented writers the world over, appreciated the valuable work done by the special rapporteurs, in particular their examination of the situations in Nigeria, the Democratic Republic of the Congo and Myanmar, where restrictions on freedom of expression were a matter of deep concern. To PEN's knowledge, 16 writers and journalists in Nigeria were serving prison sentences solely because of their articles and statements. In the Democratic Republic of the Congo, the new Government had already committed violations of freedom of the press by arresting journalists who had written critically about it and had even permitted one of them, a civilian, to be tried by a military court. In Myanmar, writers and journalists opposed to the Government were detained for lengthy periods, although conditions of detention seemed to have improved somewhat.

67. In connection with the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, PEN was increasingly alarmed by the climate of impunity in Colombia and Mexico for those who killed or threatened the lives of journalists and writers. Bahrain should be included for consideration under agenda item 10, as the Sub-Commission had recommended, and should be the subject of a special human rights mechanism. The special rapporteur mechanism should be extended to other countries where there were deeply rooted patterns of arbitrary arrest and long-term detention of dissidents. In Syria, for example, seven writers were serving sentences of up to 15 years in prison. But China held the record for writers and journalists imprisoned, either for opposing the Government or for calling for free speech and the right to form independent political parties.

68. Mr. DOS SANTOS (Latin American Federation of Journalists) said that nearly 600 journalists had disappeared or been killed in Latin America since 1970. There had been no Cubans among them. In Argentina, after the violent death of a photographer in 1997, about 100 journalists had been threatened, with no inquiry conducted.

69. In Cuba, the threats against 2,700 professional journalists were a different case, as they stemmed from the particular situation of a society which had been sustaining aggression of all kinds for 40 years. In recognition of that situation, the Fourth Meeting of the Ibero-American Federation of Journalists' Associations held in November 1997 in Venezuela, had condemned the reinforcement of the United States blockade against Cuba, which had been preventing journalists in the country from carrying out their

activities. The Meeting, organised by the Latin American Federation of Journalists and the Venezuelan Journalists' Association, had also stressed the need for the Latin American, Spanish and Portuguese media to combat the misinformation campaign being waged against Cuba by the Inter-American Press society. At the beginning of 1998, one television station and 18 radio stations in United States territory had been broadcasting over 1,300 hours per week of anti-Cuban programming, not to mention the activities of a few Cuban journalists, who were denying the situation in their own country for reasons of self-interest.

70. Yet about 100 foreign journalists were working in Cuba, primarily representing United States and Spanish television stations and the main international press agencies, and they had always been given full freedom to report on the situation seriously. Cuban journalists, for their part, were trying to find answers for the country's problems which did not involve the usual recipes for disaster, with their resulting unemployment, poverty and violence. In that connection, the Federation endorsed what Pope John Paul II had said in a 1992 document on the new times, namely, that the media aggravated the individual and social obstacles - consumerism, materialism, dehumanization, etc. - to solidarity and the overall development of the individual. Contemporary journalism in Cuba must uphold the country's own values and defend the social achievements of an entire people, in order to prevent the triumph of injustice.

71. Ms. BAUER (International Centre against Censorship) said that, despite the progress represented by the restoration of the democratically elected Government in Sierra Leone in February, freedom of expression in the country remained precarious. Newspapers were subject to an annual registration requirement, which was extremely restrictive. Journalists were still being sought and detained by ECOMOG troops, supposedly for their own protection, but in fact because of their perceived support for the AFRC. She urged the Commission to consider Sierra Leone's human rights record as a matter of public discussion under item 10 rather than under the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII).

72. The situation in Algeria was also grave. The tens of thousands of killings in the past seven years remained shrouded in a web of secrecy which conferred immunity on their perpetrators. Journalists seeking to report on the conflict had been targeted by both sides and, until recently, the Government had maintained an almost total monopoly over information, the printing of newspapers and the use of advertising. In that context, the Government's announcement of a programme of reform which would significantly reduce restrictions on freedom of expression was a welcome development. But the international community must not relax its vigilance: the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture should be received by the Algerian authorities without further delay and a special rapporteur for Algeria should be appointed.

73. Mr. KHOURI (Union of Arab Jurists) said that, when the Charter of the United Nations and the Universal Declaration of Human Rights had been drafted, their authors had been aware that the violation of fundamental rights gave

rise to conflicts and that the promotion of respect for human rights and fundamental freedoms was essential to peace. Fifty years after the proclamation of the Universal Declaration, the connection between human rights and peace remained the same. In the Middle East, for example, there could be no political stability or economic development until the region ceased to be plagued by internal conflicts, external interference and violations of fundamental rights through practices such as the liquidation of the opposition, arbitrary arrests, prolonged detentions and persecution of certain groups. Human rights violations of external origin included Israel's hostile policies towards the neighbouring States and towards the Palestinian people, in violation of all the relevant international resolutions. That policy was jeopardizing the very survival of a people deprived of its country.

74. A policy of genocide was also being applied against Iraq by means of an embargo which was a violation of international law, the Charter of the United Nations and the International Covenants on Human Rights. More than 1.5 million Iraqis, in particular children, had been the victims of that policy, which violated the sacred right to life. The Iraqi education and health system, which had been highly advanced prior to the imposition of the embargo, had been seriously damaged. The Iraqi economy had suffered, as the country was no longer able to develop its natural resources. Since the embargo against Iraq was a threat to civil society, the sovereignty of the Iraqi State and the stability of the entire region, the Union of Arab Jurists called on the Commission to do everything in its power to see that it was lifted. Some 120 Iraqi children died every hour. A child might even have died since he had begun his statement.

75. Mr. Selebi (South Africa) resumed the Chair.

76. Mr. LEBLANC (Franciscans International), speaking on behalf of his organization in collaboration with the Dominicans, said that the most recent reports of Amnesty International and Human Rights Watch documented disappearances, extrajudicial killings and other acts of violence by the Mexican army and by paramilitary groups. The report of the United Nations Special Rapporteur on torture (E/CN.4/1998/38 and Add.1 and 2) stated that torture was systematic, a conclusion reached by the Committee against Torture when it had considered Mexico's periodic report a year earlier. The massacre of 45 civilians on 22 December 1997 at Acteal, Chiapas, had been a signal of the deteriorating situation. Human rights defenders were especially targeted by military and paramilitary groups, as attested by some recent assassination attempts. The military continued its persecution of local populations and, according to the National Mediation Commission, the presence of 70,000 Mexican Army troops in Chiapas gave rise to concern that the Government was planning a large-scale military offensive there. The Government was also refusing to honour the San Andrés Larrainzar Agreements signed in February 1996. The Commission should therefore seriously consider appointing a special rapporteur to examine the human rights situation in Mexico. The Government, for its part, should conclude its investigations into the Acteal massacre, disarm all paramilitary troops operating in Chiapas and fulfil the San Andrés Agreements with a view to restoring peace.

77. The situation in Colombia was also disturbing. He expressed concern about the inclusion in the Chairman's statement on Colombia of a reference to the private security services known as "Convivir", which seemed to be involved in serious human rights violations. The Commission should appoint a special rapporteur to monitor closely the various recommendations concerning Colombia and requests the High Commissioner for Human Rights to report to the General Assembly on the situation of human rights in Colombia.

78. In Burundi, the situation had clearly deteriorated since the preceding session. It was therefore imperative that the mandate of the Special Rapporteur on the situation of human rights in Burundi should be renewed. With regard to Rwanda, although some improvement had been noted, the Commission should re-establish the mandate of a Special Rapporteur on Rwanda.

79. Mr. OZDEN (Centre Europe-Tiers Monde-CETIM) said that extrajudicial and arbitrary executions, enforced disappearances, torture and arbitrary arrests were on the increase in Turkey. In addition, 4 million Kurdish peasants had been forcibly displaced within their own country. According to CETIM's information, the proposed changes in the Criminal Code were simply a pretext for further restrictions on the media and non-governmental organizations and the strengthening of impunity for the perpetrators of human rights violations. The links between the mafia, the far right, the security forces and the government militias had been confirmed in a recent report prepared at the Prime Minister's request.

80. The Government seemed unable to take effective measures to deal with that situation. To be sure, the inconsistent and irresponsible attitude of the member countries of the European Union was hardly an encouragement. Those countries had refused Turkey's membership on 13 December 1997, raising as arguments persistent human rights violations and failure to settle the Cypriot and Kurdish issues, yet, when Kurdish refugees had flowed into Italy a few weeks later, their best response had been to ask their police forces and the Turkish police to take "security measures" against the Kurds. During the summer of 1997, the Federal Republic of Germany had also prohibited the "European Peace Train", with its message of peace and solidarity from European societies to the Turkish and Kurdish peoples, from transiting through its territory. The member countries of the European Union had also been refusing for years to take the initiative in launching the adoption of a resolution by the Commission, despite the fact that the European Parliament had adopted a resolution on the subject on 14 January 1998. Did that mean that human rights violations in Turkey were less serious than those committed in Haiti or Cuba?

81. When the Western countries adopted contradictory positions according to whether the forums involved were regional or international and when national policies were too often subject to economic and financial interests, it was ridiculous to speak of respect for human rights. It was high time for the United Nations to take its rightful position in international relations, especially in enforcing human rights.

82. CETIM denounced the extradition application filed by Chile against Patricio Ortiz, an opponent of General Pinochet's dictatorship who had been in detention in Switzerland since September 1997. Inasmuch as torture was still

commonly practised in Chile and the Chilean regime did not provide the guarantees required for judicial assistance, the Commission should ask the Swiss authorities not to grant the application filed by Chile, a country with which, moreover, Switzerland had no extradition agreement.

83. Mr. GRAVES (African Commission of Health and Human Rights Promoters) said that Bahrain was unique in having reverted from a rudimentary democracy to a hereditary dictatorship. In resolution 1997/2 of 21 August 1997 on the situation of human rights in Bahrain, the Sub-Commission had noted the serious deterioration of the human right situation, including discrimination against the Shi'a population, extrajudicial killings, the persistent use of torture and the abuse of women and children in detention. There had been no improvement since. On 28 February, the Prime Minister had ordered the dissolution of the elected executive of the Bar Society and cancelled the elections for the Bar Society scheduled for 16 March. The State security courts continued to violate recognized principles of law by failing to respect the rights of the defence. Bahrain had acceded to the Convention on the Rights of the Child, but treated children of 15 upwards as adults. Children much younger were even arrested, detained incommunicado and tortured.

84. Bahrain had also signed the Convention against Torture, but had entered a reservation to article 20, effectively blocking any investigation of the reports by Amnesty International and others. The Special Rapporteur on torture was still awaiting the authorities' reaction to his observations of the previous year. The Special Rapporteur on extrajudicial, summary or arbitrary executions had expressed concern at the practice of arbitrary detention, especially of pro-democracy activists, and at the Government's unwillingness to cooperate with him. Religious discrimination and persecution against the Shi'a majority continued. Freedom of expression was non-existent. Bahrain was the only country in the region that deprived members of the opposition of their citizenship and expelled them. It had not replied to the Secretary-General's request for Governments' views on the question of arbitrary deprivation of nationality. It was high time for the Commission to turn its attention to the plight of the people of Bahrain.

85. Ms. BRIDEL (International Association of Democratic Lawyers - IADL) recalled that her organization had always condemned all forms of terrorism, in particular at the Conference on Terrorism held at New Delhi in February 1994 and the Fourteenth Congress of the Association held at Cape Town in April 1996 and distinguished it from the struggle of peoples for their right to self-determination and independence or their struggle against racism. It therefore condemned most forcefully the brutal killings being committed in Algeria. Even though the operations of the Algerian security forces could not be compared to the activities of "Islamist" groups and conspiracies, the serious charges against certain self-defence and civilian and military security services should be impartially investigated.

86. Although it welcomed the fact that Algeria had political pluralism and relative freedom of expression found in few third world countries, IADL called on the Algerian authorities to introduce a real democracy through a genuinely independent system of justice and a more evenhanded administration, an end to information monitoring and the opening of the media to all schools of thought.

She noted that the liberalization and privatization policies imposed on Algeria by the World Bank and the International Monetary Fund tended to increase unemployment and impoverish the population and were promoting the spread of terrorism. She added that Algerians were unanimously against a United Nations commission of inquiry and the European Parliament had dropped the idea of an international inquiry.

87. In the Sudan, repression, torture, unfair trials and extrajudicial crimes continued. On 1 December 1997, 38 women participating in a peaceful demonstration against the enforced conscription of their children had been subjected to ill-treatment; they had been tried and convicted in violation of the most elementary principles of law, and sentenced to flogging, and the sentence had been executed immediately. IADL called on the international community to end the crimes of the military-religious regime in the Sudan and to ensure that the Sudanese leaders were prosecuted in the same manner as the criminal leaders of Bosnia.

88. Mr. RADJAVI (International Federation of Women in Legal Careers) said that his brother, the late Kazem Radjavi, had told the Commission eight years earlier of the crimes being committed by the Iranian mullahs and backed up his charges with evidence, begging the Commission not to be deluded by the demagogue Rafsanjani. To no avail, for some Europeans had wanted to believe in the possibility of a change within a system that was unfortunately incorrigible, where Khomeiny's spirit still reigned. Eight years later, the situation was the same. After 41 United Nations resolutions condemning human rights violations in Iran, where no actual progress had been observed, Khatami was trying to salvage the Government by adopting the new slogan of an "Islamic civil society". The words were new, but not the man, much less his acts.

89. There had been 202 public and announced executions in Iran in 1997, or four times the 1995 figure. Seven people had been stoned in the last eight months, six on the same day in the same city. Government spokesman and Minister of Culture Mohadjerani had defended the stonings to the press and stressed the need for the people involved to be executed discreetly in order to avoid stirring up public opinion. The same minister had recently pledged proudly to apply censorship whenever necessary. There were no legal political parties in Iran: factional wars should not be interpreted as a sign of freedom of expression. According to a solemn declaration by Khatami on 17 November 1997, the law was defined as being the defence of the supremacy of religious law. Since Khatami's inauguration, 24 members of the opposition had been murdered outside Iran's borders. All those acts of terrorism had been officially endorsed by Khatami. The Supreme Council of the Cultural Revolution, which Khatami had chaired from the outset, had recently blocked Iran's accession to the Convention on the Elimination of All Forms of Discrimination against Women.

90. To avoid the same tragedies recurring, the Commission must not be swayed by those who insisted that Khatami should be given a chance. It should give the Iranian people a chance by adopting a firm and uncompromising resolution and bringing the question of human rights in Iran before the Security Council for the adoption of binding measures.

The meeting rose at 6 p.m.

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Fifty-fourth session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 April 1998, at 6 p.m.

Chairman: Mr. SELEBI (South Africa)
later: Mr. GALLEGOS CHIRIBOGA (Ecuador)
later: Mr. HYNES (Canada)

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(a) QUESTICN OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.98-12687 (E)

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The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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1. Mr. MOUKOKO (International Federation of Human Rights Leagues (IFHR)) said that reference was frequently made under agenda item 10 to the need to promote dialogue on situations of conflict. For those concerned with human rights, however, dialogue did not mean keeping silent after hearing a government give its version of the facts. The Commission should therefore pay more attention to transparency and to a public airing of the facts in order to make the dialogue in question more constructive and productive.

2. Since the IFHR and other non-governmental organizations had launched an appeal some months ago for an international inquiry to be conducted in Algeria, abuses had been increasing in that country. The Algerian authorities had denied any information associating them with those abuses and were, moreover, opposed to the dispatch of the necessary international investigative machinery. It was incumbent upon them, however, in such a tragic and complex situation, to cooperate with United Nations procedures. The Commission should also appoint a special rapporteur for Algeria.

3. The human rights situation in Tunisia continued to deteriorate, with open and systematic flouting of fundamental freedoms. Those standing up for human rights, in particular, were subjected to persecution on a daily basis. The situation was serious enough to warrant special surveillance by the Commission.

4. Insecurity was rife in the Congo, with summary executions, arrests and arbitrary detention, especially among those who had collaborated with the former regime. Such abuse was carried out by armed individuals who clearly had the freedom to act with complete impunity. People who defended human rights were equated with the supporters of the previous regime and were also subjected to persecution. The IFHR therefore urged the Commission to act on the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to that country and establish machinery to monitor the human rights situation in Congo. The situations in Nigeria, Chad, Bahrain, Mexico and Turkey were also very worrying.

5. Mr. SISSON (International Fellowship of Reconciliation) said it was deplorable that, owing no doubt to political pressure, there had as yet been no resolution by the Commission condemning China for its consistent abuse of the fundamental rights of the Tibetan people.

6. Nevertheless, recent information from a number of non-governmental organizations showed Tibet was a de facto colony of China and that its people were under alien subjugation. Although China had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibited denial of the rights of minorities, the Tibetans were systematically discriminated against in favour of the Chinese with respect to employment, education and housing. The Chinese Government was also endeavouring to change the demographic situation in Tibet and to make Tibetans a minority in their own country by bringing in hundreds of thousands of Chinese settlers. The religion, culture and identity of the Tibetan people were under threat.

7. Although China had ratified the Convention on the Elimination of All Forms of Discrimination against Women, Tibetan women had been victims of campaigns of forced abortion and sterilization by the Chinese authorities. Again, some of the economic projects imposed on Tibet threatened to destroy whole ecosystems.

8. Since the pattern of violence was typical of the colonialist nature of Chinese policy in Tibet, the International Fellowship of Reconciliation called on the Commission to appoint a special rapporteur to investigate the situation of human rights in Tibet and to support all efforts to promote a peaceful settlement there through a United Nations supervised referendum. Lastly, IFOR wished to express its solidarity with the six Tibetans engaged in a hunger strike in New Delhi in an attempt to move the United Nations to action.

9. Mr. RAM MOLT (Pax Romana) said that, although respect for human rights first called for a commitment on the part of governments to the rights enshrined in the International Covenants, those commitments had also to be translated into practice. In the case of the right to life, for example, governments should emphasize prevention, assisted by the international community and mechanisms such as those provided by the United Nations.

10. Some countries, however, failed to act on commitments undertaken to the international community. In the Islamic Republic of Iran, execution, torture and acts of violence were continuing despite the portrayal by Mr. Khatami, the new President, of the country as a model of tolerance, rights and freedoms. Women continued to suffer systematic discrimination. The appointment of a woman as Vice-President in the present Government left no guarantee of any improvement in that respect, since the authorities had recently decided not to adhere to the Convention on the Elimination of All Forms of Discrimination against Women. The Commission should therefore urge the Government of the Islamic Republic of Iran to rectify its position regarding that Convention and to implement its public commitments to human rights, modifying Iranian law where necessary to ban practices such as stoning.

11. The report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (E/CN.4/1998/73) implied that an important improvement had taken place with respect to democracy and respect for human rights. The reality, however, was rather different. Admittedly, many laws had been passed in pursuance of the agreement of April 1997, but some of them had not been put into practice. Others were an outrage against democratic principles, like the law banning any coalition among different political parties, which thus

ensured perpetuation of the dictatorship. It was necessary to establish a permanent and constructive dialogue between the Government and the different ethnic and social groups to prevent demonstrations of discontent, such as the one which had resulted on 21 January 1998 in the massacre of the Bubi minority on the island of Bioko.

12. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

13. Mrs. KISSLING (Inter-Parliamentary Union (IPU)) said that, as parliamentarians themselves could fall victim to arbitrary action, the IPU had set up a Committee on Human Rights to investigate such abuses, initially under a confidential procedure. Cases might subsequently be made public by being brought before the Inter-Parliamentary Council, which represented the 137 member parliaments of the Union. Under its public procedure, the Committee was currently dealing with 16 cases relating to 134 parliamentarians in 11 countries, primarily with regard to exercise of the right to freedom of expression.

14. In Malaysia, for example, Mr. Lim Guan Eng, an opposition member of parliament had recently been sentenced to 36 months' imprisonment for criticizing the administration of justice in his country. In Indonesia, Sri Bintang Pamungkas, a former member of parliament, had been sentenced to 34 months' imprisonment for referring to the Indonesian President as a dictator. Sri Bintang was also facing subversion charges, mainly for having set up a political party, a procedure considered unlawful under the Indonesian Constitution. The IUP Committee had recalled that in 1994 and 1997, the Union had upheld the right of everyone to join or establish a political party or organization.

15. The problem of impunity had also arisen in the six cases of Colombian members of parliament assassinated between 1986 and 1994. In one case only, that of Senator Cepeda, had investigations produced any result, namely the charges brought against two military officers and one paramilitary leader. Another Colombian parliamentarian, Senator Motta, had received death threats, which had forced him into exile. The IUP Committee had urged the authorities to combat impunity and to adopt a statute for the political opposition, as provided for in the Colombian Constitution.

16. Ms. FOKA (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that in 1972 she had been an elementary school teacher in a village on the Karpas peninsula of Cyprus. In 1974, the Turkish army had occupied the village, arresting all men between the ages of 18 and 65, and 13 of them were never seen again. After the transfer of all other teachers to the free areas of Cyprus, she was placed in charge of the school, which had 74 pupils at the time. Conditions at the school became very difficult because of constant damage to the facilities and continuing threats directed at the children and their teacher. Since secondary schools were not permitted in the occupied areas, the number of pupils gradually declined to no more than four in 1997. The school building continued to deteriorate and there was a lack of schoolbooks and school furniture. The people of the village were continually threatened, insulted and persecuted by the Turkish settlers. The population of the Karpas had fallen from 20,000 in 1974 to 450 at the present time. In March 1997, she had

gone to Nicosia for medical treatment and had since tried in vain to return to her village, her school and her pupils. She appealed to the Committee for help.

17. Mr. AHEDROM (Baha'i International Community) said that, despite the new openness alleged to reign in the Islamic Republic of Iran, the religious persecution directed against the Baha'is since 1979 had continued. The religious nature of those violations had been repeatedly confirmed over the past 18 years by United Nations special representatives, special rapporteurs and treaty monitoring bodies. The latest report by the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1998/59) was eloquent on the subject. As early as 1993, the then Special Representative, Mr. Galindo Pohl, had exposed the systematic nature of the persecution of the Baha'i community in the Islamic Republic of Iran. According to a document dated 25 February 1991, bearing the endorsement of Mr. Ali Khamenei, the country's highest spiritual authority, the development of the community was to be blocked, even outside Iran.

18. Despite the change of government in the Islamic Republic of Iran, persecution of the Baha'i community was still continuing. Since November 1997, 11 Baha'is had been arrested and imprisoned. In April 1998, 15 Baha'is were being held in prison solely because of their religious beliefs. Five had been sentenced to death. Baha'is constituted no threat to the Iranian Government since they avoided all forms of partisan political involvement. Baha'is sought no special privileges but only their rights under the International Bill of Human Rights, to which the Islamic Republic of Iran was a signatory. Those rights included the right to life, the right to practise one's religion, the right to liberty and security of person, and the right to education and work. The Special Rapporteur on religious intolerance, Mr. Amor, in a report to the Commission (E/CN.4/1996/95) had stated that the Baha'i community should be permitted to organize freely and engage in its religious activities in the Islamic Republic of Iran.

19. Lastly, the Baha'i International Community hoped that by President Khatami's statement at the Islamic Summit Conference in December 1997 to the effect that, in a civil society centred around the axis of Islamic thinking and culture, dictatorship of the majority and elimination of the minority had no place, would become a reality. It therefore recommended that the Commission should call for the immediate and full implementation of the recommendations of the Special Rapporteur on religious intolerance and the Special Representative on the situation of human rights in the Islamic Republic of Iran.

20. Mr. THAUNG HTUN (Worldview International Foundation) recalled that, at its previous session, the Commission had expressed deep concern at human rights violations in Myanmar and had called on the Government of Myanmar to improve conditions of detention. However, arbitrary arrests of dissidents and deaths in custody had continued. Victims included elderly persons in their 80s, students and Buddhist monks. The 1,000 to 2,000 political prisoners in Myanmar rarely had access to their families or a lawyer, while their conditions of detention were harsher than those for prisoners who were common criminals. Lack of medical care and poor hygiene made dysentery, hepatitis and HIV infection common among prisoners. Forty-five political prisoners

had died in custody since 1988. At its previous session, the Commission had requested the Myanmar Government to investigate the death of Mr. James Leander Nichols, a well-known political prisoner, and to prosecute the person or persons responsible.

21. In view of such inhumane treatment, the Commission should urge the Myanmar Government to allow the competent international humanitarian organization to communicate freely and confidentially with political prisoners.

22. Mr. GANT (International Human Rights Law Group), said his organization was based in the United States and it welcomed the 1997 mission of the Special Rapporteur on extrajudicial, summary or arbitrary executions to that country to examine the conditions in which the death sentence was enforced (E/CN.4/1998/68/Add.3). All United Nations human rights activities ought to be guided by impartiality and no country should be exempt from international scrutiny under internationally accepted standards. The United States had shielded its human rights violations by failing to ratify key international human rights treaties or by making reservations thereto.

23. The number of executions in the United States in the past year had been much higher than the annual figure since capital punishment had been reintroduced in 1976. Since that year a total of 432 persons had been executed. The number of convicts on death row was now a record 3,269. As the Special Rapporteur had noted, remnants of slavery still remained in the criminal justice system in the United States, notably in relation to the application of the death penalty. Afro-Americans were still sentenced to death and executed in a proportion much greater than their share of the population. Since 1976, 84 Blacks had been executed for the murder of Whites, although only four Whites had been executed for the murder of Blacks.

24. The Federal authorities were also involved, since 72 of the 119 accused persons on whose account the Government had been authorized by the Attorney-General to ask for the death penalty had been Afro-Americans. The United States General Accounting Office, the Federal Government's internal watchdog, had itself concluded that the likelihood of being found guilty of murder and executed was linked to the accused person's race. Moreover, the Special Rapporteur had noted that the situation was made worse by lack of proper representation of the accused. Since some 90 per cent of defendants did not have the means to hire a lawyer, the death sentence was passed not on those who had committed the worst crimes, but on those who had the worst lawyers. As for the legal aid centres, most had now been closed for lack of funds. According to the Special Rapporteur, nine juveniles and 27 mentally disabled persons had also been executed in the United States since 1976.

25. It was therefore urgent for the United States and all countries that still applied the death penalty to end that inhumane practice in response to calls from the United Nations in general and the Commission in particular, which in resolution 1997/12 had encouraged all nations to limit the death penalty to the most serious crimes and to consider suspending all executions.

26. Mr. ABU EISSA (Arab Lawyers Union) said that, on the fiftieth anniversary of the Declaration of Human Rights, his organization applauded the efforts the international community had made to promote human rights, fundamental freedoms and respect for human rights.

27. Unfortunately, in his region some policies that were being followed trampled on those rights and freedoms. To start with, Israel continued to ignore the condemnations and resolutions of the international community. The Arab Lawyers Union condemned, for example, the detention by the Israeli authorities in the occupied Syrian Golan and in the occupied Palestinian territories of hundreds of hostages, 15 of them children. In all, the Israeli authorities held thousands of Palestinians and other Arabs in inhumane conditions. Elsewhere, for example in Egypt, Sudan and Algeria, terrorist acts committed by fundamentalists and integrationists had led to violations of human rights. Although such violations were officially denied, they too reflected a refusal to apply the relevant international standards on the grounds that they were inconsistent with the theocratic foundations of the regime in power. In Sudan, on 2 April 1998 the army at Alifoun camp had forcibly broken up a gathering of students asking for permission to spend the festival of Aid with their families. The soldiers had opened fire on the demonstrators, killing over a hundred people. With the military in pursuit, the survivors had got on a boat to escape down river, but the boat, being overloaded, had sunk. Some 60 bodies had been recovered and over 150 persons were reported missing. In the face of such serious events, which it was impossible to deny, it was imperative for United Nations observers to carry out an on-the-spot investigation.

28. In Africa, most violations of human rights and fundamental freedoms were due to ethnic conflict and resultant genocide. The international community should therefore give assistance to all democratic forces in the region so that sound conduct of public affairs could be restored.

29. However, double standards were being applied in the human rights field: countries remained silent at the serious violations of human rights caused by the continuing embargo against Iraq. It was essential for the international community to take the necessary steps to put an end to such violations of the rights of nations.

30. Mr. Selebi (South Africa) resumed the Chair.

31. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that, in Myanmar, the military junta by its continuing violations of fundamental rights and refusal to engage in genuine dialogue with the Government-elect was making a mockery of the United Nations system. Moreover, the governments of countries, some of them members of the Commission, that supported the Myanmar regime were also defying the international community.

32. Its admission to the Association of South-East Asian Nations (ASEAN) had not substantially changed the regime's behaviour, since arbitrary arrest, extrajudicial executions, torture, forcible relocation and forced labour were continuing. In its recent attacks on three refugee camps in Thailand, the junta's troops had violated the sovereignty of another ASEAN member and insulted that organization.

33. The Commission should therefore make it clear to the military regime in Myanmar that it must end its attacks against ethnic peoples and the democracy movement. Those governments that openly supported human rights should be prepared temporarily to freeze all forms of support to the regime until dialogue began. All political prisoners should be released. Violation of the rights of the people of Myanmar should cease. Investment in Myanmar should be discouraged until real stability had been restored, since years of investment had not contributed to Myanmar's human development. Forcible relocation and forced labour should be condemned. In its resolution on the subject, the Commission should not forget the women struggling to survive in prison, refugee camps or labour camps. As to the protection of those fleeing Myanmar, the Government of Thailand, which had already taken the key step of allowing some access to UNHCR, should facilitate the involvement of United Nations agencies and non-governmental organizations. Lastly, political will alone would accelerate positive change in Myanmar.

34. Mr. GUTERRES AMARAL (Catholic Institute for International Relations) said that he had left East Timor in January because he was being persecuted by the Indonesian armed forces occupying the country. Arrested with two companions on 21 August 1996 while trying to send supplies to members of the armed resistance, he had been beaten and then taken to the barracks in Buicarin. Transferred subsequently to an army barracks in Viqueque, he had been questioned and tortured for several hours. That ill-treatment had ended only when the International Red Cross had intervened on his behalf. He had been held in custody for a further four months and interrogated before being released. In January 1998, he had taken refuge in the Spanish embassy in Jakarta.

35. He urged the Commission to make every effort to encourage the Indonesian Government to allow free access to non-governmental human rights organizations. A visit by the Special Rapporteur on torture would also be of great help. Those steps, combined with the withdrawal of Indonesian armed forces, would significantly improve the situation in East Timor.

36. Mr. WIN (International Peace Bureau) said he was a representative of the Paukkhaung constituency, elected at the 1990 general elections in Myanmar. It had thus been eight years since the people of Myanmar had overwhelmingly elected the candidates of the National League for Democracy (NLD). Unfortunately, that expression of the people's will had not been honoured and the military regime had chosen the path of confrontation.

37. None of the Commission's resolutions on Myanmar had been implemented and the repeated requests of the present Special Rapporteur to visit the country had been refused. The people of Myanmar were grateful to the Commission for publicizing the human rights violations in Myanmar. He welcomed the constructive recommendations of the Special Rapporteur and the untiring efforts of the United Nations Secretary-General to bring about national reconciliation and prompt restoration of democracy. In that respect, a substantive political dialogue involving the military regime and leaders of the political opposition was urgently needed. Unfortunately, the freedom of movement and the social and political activities of Daw Aung San Suu Kyi continued to be severely restricted. Two of her cousins had been arrested and

sentenced to long prison terms. The weekend addresses from her home had been stopped, while constant surveillance by military intelligence increasingly restricted access to her by supporters and journalists.

38. The NLD was deprived of all the basic rights of political parties, such as freedom of expression and freedom of publication. It was not allowed to use a photocopier or have an international direct dialling telephone. Its offices throughout the country were being closed down and persons who rented out space to the NLD were intimidated and in some cases arrested. The military regime had reached an accommodation with drug traffickers, yet it treated the duly elected representatives of the people as criminals.

39. In view of the deteriorating human rights situation, the International Peace Bureau urged the Commission to extend the mandate of the Special Rapporteur and requested the Secretary-General to continue his efforts to promote national reconciliation and democratization. It also urged Member States to take a greater interest in getting the terms of United Nations resolutions on Myanmar implemented.

40. Mr. Hynes (Canada) took the Chair.

41. Mr. HTAIK (Society for Threatened Peoples) said that, since 1996, the military regime in Myanmar had been conducting a programme for the forcible relocation of ethnic groups living in frontier areas in order to bring them under its control. By the end of 1996, the inhabitants of over 600 villages had been forced to move to strategic locations on main roads or near towns. Since then the forcible relocation programme had been intensified and expanded. Only six weeks ago, at least 300,000 people had been pushed out of their homes. When people were relocated they were given only three to five days to move, after which they could be shot on sight. The relocation sites could be up to a day's walk away. Villagers with ox-carts could carry some possessions with them, but those on foot could take almost nothing. Those refusing to move had been beaten, shot or burned alive in their houses. The persons affected were nearly all farmers forced to leave behind their crops and their animals, which were usually looted by the regime's troops. Nothing was provided for them in the relocation sites and they could only survive by trying to find work as labourers or by begging.

42. The worst development over the past year had been the sharp increase in extrajudicial executions of villagers in the relocation areas. There had been 664 such killings documented in 1997. On 16 June 1997, people relocated to Kun Hing town, returning with written permission to collect rice from their old villages, had been massacred on the way. People caught outside the relocation areas were not the only ones to be killed, since the military had also fired shells into some relocation sites.

43. Apart from killings, other human rights abuses such as torture, rape, arbitrary detention and looting were common occurrences in forcible relocation areas. Such sites were often deliberately placed close to army camps and used as a pool of forced labour by the army. It was such human rights abuses that had driven large numbers of the Shan ethnic group to seek refuge in Thailand.

An estimated 80,000 Shan had entered Thailand in the past two years. Unfortunately, there were no refugee camps for them there, so they ended up as illegal migrants subjected to all kinds of exploitation.

44. The Society for Threatened Peoples recommended that the Commission's resolution on Myanmar should contain a separate paragraph dealing with forcible relocation.

45. Mr. SHROPSHIRE (Canadian Council of Churches) said that the recent massacre of 45 Tzotzil indigenous persons in Mexico again gave warning of a situation nearing a full-blown humanitarian crisis. In 1997, there had been a marked increase in extrajudicial executions, arbitrary arrests, disappearances and torture in a context of economic dislocation, growing militarization and low-intensity war against the civilian population waged by paramilitary groups supported by State security forces. Such circumstances illustrated the need for enhanced monitoring through the appointment of a Special Rapporteur.

46. In Peru, the repeated assaults against the independence of the judiciary and increased attacks against journalists critical of the Government were a cause of deep concern. Torture by State agents remained widespread and hundreds of people accused of terrorism and treason continued to be incarcerated in deplorable conditions.

47. In Sudan, human rights violations by all parties to the conflict continued. In 1998, the National Islamic Front Government had intensified its bombing of civilian populations. Its security forces still detained and tortured civilians. The authorities continued to restrict humanitarian access, especially in Wau, where over 100,000 people were denied food and medicine. Furthermore, religious persecution currently affected not only Christians but also some Muslims. The Canadian Council of Churches recommended that the Special Rapporteur's mandate should be extended and that independent human rights monitors should be placed throughout Sudan. It also appealed to IGAD member countries to broaden the peace process to include all parties to the conflict.

48. Elsewhere, his organization had serious doubts about the Nigerian Government's intentions to facilitate genuine civilian democratic rule. The mandate of the Special Rapporteur should be extended for one year and the Nigerian Government should be urged to give him or her unrestricted access to the country. The authorities should also be urged to establish a truly independent electoral body, open the electoral process to all political parties and stop its intimidation of potential presidential candidates.

49. In East Timor, human rights violations (arbitrary detentions, torture, extrajudicial executions and disappearances) were still taking place. The Council urged the Indonesian Government to act on the recommendations of the Commission at its previous session and, in particular, to invite the Special Rapporteur on torture to visit East Timor in 1998.

50. In Indonesia, protests by the population in response to the deteriorating economic and political situation had been met by brutal force.

The Council called on the authorities to release political detainees and to invite the Special Rapporteur on freedom of expression to visit Indonesia in 1998.

51. Mr. HERNANDEZ-AMOR (Christian Democratic International) noted that the Cuban Government had, in response to a request from the Pope, released 104 political prisoners. While welcoming that measure, Christian Democratic International would have preferred to see an amnesty for all political prisoners. Praise was also due for the progress made during the past eight months to strengthen religious freedom.

52. The Commission's attention had, however, to be drawn to the disturbing increase in arrests among human rights activists, opponents of the regime and independent journalists resulting from the adoption on 24 December 1996 of Act No. 80 in response to the Helms-Burton Act. Some detainees had been released while others had been tried and sentenced or still awaited trial. The new Act made punishable any collaboration with information media considered by the Cuban authorities as being on the side of the United States Government. It allowed the authorities a wide margin of interpretation, enabling them to punish anyone sending information abroad on human rights violations in Cuba.

53. Furthermore, conditions in Cuban prisons remained unsatisfactory: malnutrition, lack of medical care and cruel, inhuman and degrading treatment. Twelve prisoners were said to have died during 1997.

54. Christian Democratic International, while acknowledging the positive steps taken by the Cuban Government in recent months, called on it to continue its efforts in that direction so that Cuba might open up to the world and the world might open up to Cuba.

55. Mr. ONGUENE (World Alliance of Reformed Churches) said that arbitrary arrest, intimidation and persecution, torture, ill-treatment, kidnapping and the activities of a small uncontrolled group that repudiated dialogue and sought to annihilate its opponents physically had seriously endangered the democratic process in Equatorial Guinea. The Alliance condemned the unwarranted use of force by the civil and military authorities, which paid no attention to the laws on which their power was founded. That partially explained the widespread immunity enjoyed by State officials, who committed human rights abuses in violation of the undertakings given in the context of the document on evaluation of the National Covenant adopted in 1997. As long as those guilty of such acts remained unpunished, no real progress could be made towards safeguarding human rights in Equatorial Guinea. It was thus imperative to prepare the laws needed to combat the matter, to publish them and to make sure they were implemented.

56. The Alliance urged the Commission to call on the authorities in Equatorial Guinea to recognize that force and unilateral action would solve nothing and that they should enter into negotiations with the country's political forces so as to open the way for a wide-ranging democratic process. From that standpoint, the opposition parties were fully determined to seek an

agreed solution to the country's problems. The Alliance commended the Special Rapporteur on the situation of human rights in Equatorial Guinea on his excellent report. It hoped that his mandate would be extended, because full observance of human rights in Equatorial Guinea depended greatly on the action taken by the international community.

57. Mr. CUNNIAH (International Confederation of Free Trade Unions (ICFTU)) said that the ICFTU wished, on behalf of the 127 million workers it represented, to express its deep concern at the increasing number of cases of violation of trade union rights in all parts of the world.

58. The ICFTU had learned that in Australia during the past week the Patrick Stevedores company had dismissed 2,100 workers following a breakdown in negotiations over new working practices. In order to allow the company to break the movement, the Australian Government, which had consistently taken an anti-union stance since its election, had provided it with Aus$ 250 million and money to recruit dockside mercenaries.

59. In Indonesia, Muchtar Pakpahan, leader of SBSI, had been detained since July 1996. He faced the death penalty under charges of treason. The ICFTU urged the Commission to call on the Indonesian Government to release him immediately.

60. Recent reports had shown that the right to freedom of association was still severely restricted in China. In January, two independent trade union activists, Li Quingxi and Ahao Changqing, had been arrested for publicly calling for the creation of free trade unions. The ICFTU had been greatly disappointed by the failure of the European Union and the United States to submit a resolution on China at the present session of the Commission.

61. There had been no improvement regarding trade union rights in Nigeria. The Nigerian Labour Congress continued to be under government control. Frank Kohori and Milton Dabibi, leaders of the oil and gas workers' unions had been in detention since 1994 without charge or trial. The Commission should urge the Nigerian authorities to release them without delay. In Sudan, a number of trade unionists were still in detention, for example Abdel Gader (President of the Textile Trade Union) and Daoud Suliaman, Secretary of the Blue Nile Trade Union. In the Democratic Republic of Congo, three main leaders of the Postal and Telecommunications Trade Union (Makiona, Makuntima and Kabasele) had been arrested on 9 March 1998 following a strike to protest against seven months' non-payment of wages. In Djibouti, nine trade union leaders dismissed in 1996 in an attempt to crush the independent trade unions had not yet been reinstated. Moreover, hundreds of health workers had been assaulted during a demonstration on 22 March. A number had been arrested and transferred to a detention centre where the conditions were inhumane.

62. In Colombia, 80 trade unionists had been killed, many of them from SINTRAINAGRO, the agricultural workers' union in the Uraba region. The Commission should urge the Government of Colombia to take measures to put an end to such violence. With regard to Guatemala, the ICFTU had in its

possession a document setting out a series of policies, strategies and operations aimed at destroying the trade union movement. The Commission should denounce those strategies, which were intended to replace trade unions by solidarista associations.

63. In Belarus, the President continued to interfere in the activities of the independent trade unions. New and restrictive legislation had considerably limited the exercise of trade union rights. Similarly, in Croatia, under new legislation adopted in 1997, the Government had nationalized all trade union assets.

64. The ICFTU also wished to draw attention to gross violations in other countries such as the Islamic Republic of Iran, Costa Rica, Niger, Zimbabwe, Chad, Turkey and Myanmar. It hoped that the Commission would adopt strong measures against those countries.

65. Mr. SANNIKOV (International League for Human Rights) said that he was also speaking for the 70,000 signatories of Charter '97, a civil initiative adopted in November 1997 in Belarus. The Charter stated the intention of citizens to make Belarus, a country where the dangers of totalitarianism were as great as they had been in the Cold War, a free European country in which human rights were fully observed.

66. It was well known that Belarus lived under an unlawful constitution that made abuse of power and dictatorial practices possible. At the very moment when the Belarus delegation was welcoming the report of the Special Rapporteur on freedom of opinion and expression, the Belarus authorities had been undertaking further measures to curb that freedom. A senior presidential official had recently issued instructions banning officials from giving any information to the non-State press and prohibiting State-owned enterprises from advertising in it. A list of dissident newspapers had been attached to the instructions.

67. Furthermore, over 50 people had been detained in Minsk on 2 April 1998 for taking part in a demonstration. A number had been severely beaten. Some, such as Pavel Severinets, leader of a youth opposition movement, were in jail awaiting trial on criminal charges. Vyacheslav Sivchik, one of the leaders of the Belarus Popular Front, was in hospital after being beaten up by the police. Another Popular Front leader, Lyavon Barshcheusky, had been arrested even though he had not taken part in the demonstration. Dimitry Vaskovich, a 15 year-old, had been kept in jail for several days with practically no food. Many students were being expelled from universities for their political views. It should be noted in that respect that one State-owned newspaper had recently referred to the repression that took place in the Soviet Union in 1917-1953 as justifiable. It was therefore increasingly necessary for a special rapporteur to be appointed for Belarus and for steps to be taken to follow up the recommendations of the Special Rapporteur on freedom of opinion and expression.

68. Mr. QIANG (Robert F. Kennedy Memorial Centre for Human Rights) said that, since the previous session, the Commission had decided to drop the

resolution on the human rights situation in China simply because the Chinese Government had made some tactical changes in its policies: expelling prominent dissident Wei Jing-Sheng, signing the Covenant on Social, Economic and Cultural Rights and inviting the Working Group on Arbitrary Detention to visit China. However, basic rights such as freedom of association, assembly and speech continued to be suppressed and human rights defenders continued to be arrested. In March, for example, two activists, Yang Qianhing and Shen Liangshin had been sentenced respectively to two and three years of re-education through labour. According to the Government's own statistics, over 2,400 people were currently in detention for "counter-revolutionary crimes", a notion that had been replaced in 1997 by that of "endangering State security". "Rule by law", which was emphasized by the Chinese leaders, should not be taken to mean "the rule of law", a system whereby the people had a voice in formulating and enforcing the laws that governed them. In a system in which the judiciary was accountable to the ruling party, laws were merely a vehicle to serve the interests of the ruling elite.

69. The Chinese authorities, which often argued that their only aim was to ensure stability and unity, needed to recognize that the rapid economic and social transition China was currently undergoing could lead to serious unrest if the Chinese people did not participate in decisions that affected their lives. Spontaneous protests had erupted because there were neither independent unions nor a free press through which dissatisfaction could be voiced. Some had escalated into violent conflict with the police. Hundreds of workers had been arrested, but repression would not solve the core problem.

70. Promotion and protection of human rights in China would require a peaceful, fundamental transformation of Chinese political structures. At the present stage it was crucially important to support the struggle for human rights and for the Commission to fulfil its duty and its own mandate. The international community could and must help to ensure observance of universal standards in China, even if that meant publicly confronting a Permanent Member of the United Nations Security Council.

71. Mrs. SAYEGH (General Arab Women Federation), referring to the principles set out in the Universal Declaration of Human Rights, the Charter of the United Nations, the Geneva Conventions and the International Human Rights Covenants, said that the Federation was gravely concerned about the violations of human rights resulting from economic sanctions. She drew attention to General Comment No. 8 of the Committee on Economic Social and Cultural Rights in December 1997, which pointed to the need to evaluate the impact of sanctions on human rights, in particular those of children and the elderly. The Secretary-General of the United Nations had raised the question of whether sanctions were legitimate. Sanctions, for example against Cuba, Libya and Iraq, had primarily affected the weak and the vulnerable.

72. In the past seven years, more than one and a half million people, the majority children, women and the elderly, had died in Iraq from malnutrition and infectious diseases, and from forms of cancer and congenital anomalies caused by the depleted uranium projectiles used during the Gulf War. The sanctions had made it impossible to rebuild infrastructures, for example to meet health and education needs.

73. It was time for the Commission to take appropriate measures to end the inhuman sanctions against Iraq and to prevent the imposition of such measures in the future.

Statements in exercise of the right of reply

74. Mrs. ABU NAGMA (Sudan) said that the representative of the European Union had quite rightly noted that most human rights violations had taken place in the context of armed conflict. The Sudanese Government had made tremendous efforts to reach a peaceful settlement, arriving in 1997 at a peace agreement with all belligerent parties, except that led by John Garang, under the principles established by IGAD. It was to be hoped that the cease-fire proposed with the support of IGAD would be endorsed by the European Union. The Sudanese delegation noted with satisfaction that the European Union admitted that there had been some improvement in the human rights situation in Sudan and that the Sudanese Government had undertaken, under the new draft Constitution, to respect and protect such rights. It therefore hoped that the European Union would support the re-establishment of technical assistance on human rights in order to let Sudan strengthen its capacities. There was no point in repeating the same allegations year after year, when the situation had clearly improved.

75. In response to the European Union's appeal to the Government, she pointed out that the Sudanese authorities had already distanced themselves from terrorist groups on a number of occasions. Her delegation also took the present opportunity to condemn terrorism in all its forms. As to cooperation with the Special Rapporteur on the situation of human rights in Sudan, it already existed, since explicit reference to it had been made in the relevant resolution.

76. Furthermore, her delegation had listened to the statement by the representative of the Arab Lawyers Union, a Sudanese national who advocated the overthrow of the Government by force and made the same untenable allegations every year. It was deplorable that the lethal conflict in Sudan should be exploited for political ends. The incident referred to in the statement had occurred when an overloaded boat had capsized. To date, 52 bodies had been found. Since the enquiry being conducted by the armed forces and the procurator-general were still under way, any conclusion was still premature.

77. Mr. DEMBRI (Observer for Algeria) said it was regrettable to see the European Union once more draw up a list of human rights violations in 37 countries, all of which were from the South. Such an attitude was evidence of a split between the two halves of the world that was harmful to the cause of human rights. In the case of Algeria, the European Union delegation had for the first time clearly condemned the terrorist attacks. It was nevertheless deplorable that the gravity of the situation had been obscured by the emphasis placed on what had been termed a crisis in the rule of law.

78. It should nonetheless be recalled that many European countries continued to give shelter to those who were responsible for the worst violations of human rights now, at the close of the century. Europe should not forget that the principal fatwas calling for the murder of Algerian citizens had been

declared from its territory. It had a duty to prove that it was now solidly behind the fight against terrorism that was threatening peace and stability throughout the Euro-Mediterranean region.

79. It was also surprising to note that the European Union had made no mention in its statement of the political dialogue that had been established between itself and Algeria. Successive visits to Algeria by many leading European and other figures, including representatives of society at large, were proof that Algeria experienced no difficulty in being subjected to outside scrutiny.

80. To those who wished to give Algeria advice on how to ensure the rule of law, the Algerian delegation would point out that the country had launched a pluralist process on its own initiative and had set up democratic republican institutions. With regard to allegations of human rights violations, Algeria formally requested their authors to produce proof of their statements.

81. Lastly, with regard to cooperation with United Nations mechanisms, his delegation recalled that over the past 18 months Algeria had submitted periodic reports to the Committee against Torture, the Committee on the Rights of the Child and the Committee for the Elimination of Racial Discrimination. The conclusions and recommendations adopted by those bodies should allow all to assess the progress made towards the rule of law. Similarly, the consideration of Algeria's second periodic report by the Human Rights Committee in July 1998 would afford an opportunity to ascertain the real human rights situation in the country.

82. Mr. AL DURI (Observer for Iraq) said that the sufferings of the Iraqi people over the past eight years, whether as a result of the military aggression of 1990-1991 or because of the total embargo on the supply of food and medicine, had to be laid at the door of the United States. The maintenance of the embargo, which had cost 1.5 million lives, most of them women and children, amounted in fact to genocide. The crocodile tears shed by the United States no longer fooled anyone. The Iraqi people knew quite well that it was that country and the United Kingdom which were preventing contracts for the supply of food and medicine from being carried out.

83. The New Zealand delegation had spoken of a conference on humanitarian assistance to Iraq which the United Kingdom was reputed to be organizing. The intention of that country, whose neutrality was hardly self-evident, to host such a conference was surprising to say the least. Since the interests of the Iraqi people lay in lifting the embargo, the United Kingdom was not well placed to deal with the issue objectively. Furthermore, the organizers of the conference no doubt intended to make the lifting of the embargo conditional on acceptance by Iraq of conditions that were solely aimed at furthering United States strategy in the region. Iraq's refusal to play that game would once again be used as an excuse to plunge the region into another crisis. That was the goal of the United States.

84. Mr. KIM SONG CHOL (Observer for the Democratic People's Republic of Korea) said that, at the previous meeting, a representative of the European Union had commented on the human rights situation in the Democratic People's Republic of Korea and the country's withdrawal from the International Covenant

on Civil and Political Rights. His delegation strongly denounced and rejected that statement as an attempt on the part of certain forces to mislead the Commission and devise another plot against its country.

85. The States of the European Union, whose own behaviour in relation to human rights was far from irreproachable, were not well placed to sit in judgement on human rights in a sort of "international court". Furthermore, by calling for greater access for United Nations mechanisms and non-governmental organizations to the Democratic People's Republic of Korea, the European Union was displaying total ignorance of the real facts. Many United Nations agencies and non-governmental organizations were working in the country on a short or long-term basis, without any hindrance. The same ignorance could be seen in connection with the country's withdrawal from the International Covenant on Civil and Political Rights. It had been in protest against the adoption without consultation of a hostile resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that his Government had taken that step.

86. The Government of the Democratic People's Republic of Korea was resolutely opposed to the application of double standards. It would no longer tolerate any infringement of its sovereignty. It called on all States for which cooperation on human rights was not merely a pretext to take the necessary measures and ensure that the principles of equality and impartiality were respected.

87. Mr. AL FAIHANI (Observer for Bahrain) said that the representatives of a number of non-governmental organizations had made unfounded accusations against his country. Unfortunately, those organizations allowed themselves to be manipulated by groups outside the country that advocated terrorism as a means of establishing an extremist regime. The Bahraini Government regretted that Commission's meetings, which should be used to promote human rights, were thus abused by some in order to attain their political ends.

88. Mr. ALVAREZ (Observer for Costa Rica) said that his delegation could not remain silent at allegations of violation of the right to freedom of association in his country. In Costa Rica, fundamental freedoms had been guaranteed for over a hundred years and the right to freedom of association was a constitutional right. To assert that trade union rights had been abused in a country without providing proof was a serious matter. Such slanderous practices should not be permitted in the Commission.

89. Mr. AGURTSOU (Observer for Belarus) said that the so-called representative of the International League for Human Rights who had spoken at the present meeting was in fact a leader of the Belarus opposition. It was the second time he had used the present forum for propaganda purposes. The arguments he had put forward would convince no one. With regard to the Constitution, which had been referred to as unlawful it should be remembered that it had been approved by a referendum of the people. The very fact that a leader of the opposition was today able to speak out without fear was proof that no abuse of human rights was taking place in Belarus.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1985/45 to 49 and Add.1, 50, 51, 52 and Add.1, 53 and Add.1 and 2, 54 and Add.1, 116, 118, 138, 151 and 157; E/CN.4/1998/NGO/3, 24 and 69 to 71; E/CN.4/Sub.2/1997/28; A/52/469 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/92 to 97 and 158; A/52/489)

90. Mr. Selebi (South Africa) resumed the Chair.

91. Mr. PINHEIRO (Chairperson, Fourth Meeting of Special Rapporteurs/Representatives/Experts and Chairpersons of Working Groups of the Special Procedures for the Commission on Human Rights and the Advisory Services Programme), introducing the report of the Meeting (E/CN.4/1998/45), said that the Meeting mechanism, organized as a follow-up to the World Conference on Human Rights, provided a forum for participants to share and discuss experiences among themselves and with the secretariat, the Office of the High Commissioner for Human Rights, the chairpersons of treaty bodies, the Chairman of the Commission, specialized agencies and other bodies of the United Nations system. It would also be useful at future Meetings to include Member States and non-governmental organizations in the exercise.

92. The Commission and the Economic and Social Council had established the special procedures system to address serious, unpunished violations of human rights. In his own region, Latin America, such procedures had had a great impact by exposing abuses caused by the exercise of arbitrary power and had facilitated the transition to democracy. Civil society, national and international non-governmental organizations and the victims of gross violations of human rights relied on that special machinery.

93. In their work, the special rapporteurs and working groups were guided by the principles of impartiality, non-selectivity and objectivity and by the Universal Declaration of Human Rights, the human rights treaties, the jurisprudence of the treaty bodies and other human rights instruments adopted within the United Nations system. They also took account of the resolutions adopted every year by the Commission. It had to be clearly stated that the special rapporteurs were agents of public procedures; their reports were public and they had a relationship with the media based on transparency. As

organs of the Commission, they benefited from the privileges and immunities provided in the Convention on Privileges and Immunities of the United Nations, in particular immunity from legal process. As a result, the recent refusal by a court in a Member State to recognize that the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, enjoyed such protection, was deeply disturbing. If that decision, which constituted an attack on the entire human rights mechanisms of the United Nations, was allowed to stand, it would militate against the ability of independent experts to speak out against violations of international human rights standards and undermine their independence and impartiality. The participants at the Meeting joined the Secretary-General of the United Nations and the High Commissioner for Human Rights in appealing to the Government concerned to respect its obligations under the Convention in the case of Mr. Cumaraswamy.

94. To increase their effectiveness, experts needed constantly to refine their methods of work and to receive increased support to that end. They received no honoraria and often did not even have the support of a full-time assistant in Geneva. It was hoped that the restructuring of the Office of the High Commissioner for Human Rights would create the conditions needed to overcome the contradiction between the commitment to human rights demonstrated by the international community in Vienna in 1993 and the resources actually allocated.

95. It would also be desirable for the Commission to give consideration to a fact-finding process that would be fair and equitable for all parties concerned. In the context of improving coordination between the special procedures system and the treaty bodies, the efforts of the High Commissioner for Human Rights and Mr. Philip Alston, Chairperson of the Meeting of Chairpersons of Treaty Bodies, were to be applauded. Participants at the Fourth Meeting had also recommended that the High Commissioner should consider setting up guidelines for follow-up to the recommendations of special rapporteurs. In terms of an internal follow-up, a systematic procedure was needed to brief United Nations agencies and offices on the recommendations made by experts. At country and regional level, consideration should be given to the ways in which the High Commissioner could facilitate the follow-up of such recommendations.

96. It was extremely important to establish a dialogue with Member States that would promote interaction. At its next session, the Meeting would follow the example of the Meeting of Chairpersons of Treaty Bodies and invite Governments and other concerned parties to take part in discussions on improving the work of experts. That approach should make the work of the experts more reliable, transparent and effective.

97. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that the slogan for the fiftieth anniversary of the Universal Declaration, "All human rights for all", clearly expressed the need to strengthen the universal application of human rights. However, some were currently calling that universality into question for disreputable motives, namely a refusal to recognize the rule of law. Since all cultures and religions recognized the underlying principles of the Universal Declaration, using the plurality of cultures as a counter to universality or to defend universality against culture or religion made no sense. Plurality and

universality were not opposites, it was human beings that made them so. That was why the International Organization for the Development of Freedom of Education and the World University Service, in the context of their 1998 summer school in Geneva were giving pride of place to a dialogue between cultures and religions on the theme of universality. Universality would also be the subject of a symposium held in collaboration with the UNESCO Chair of Human Rights at Oran University in Algeria.

98. The fiftieth anniversary of the Universal Declaration of Human Rights should be taken as an opportunity to promote the cause of human rights through tolerance and understanding and to give further impetus to the United Nations Decade for Human Rights Education. It was imperative to bridge the gaps in human rights training, since education on human rights was included as a right in the preamble to the Universal Declaration. In order for a start to be made on such training, for example in faculties of law, priority should to be given to teaching that was aimed at changing the attitudes of those who still had misgivings about the juridical character of human rights. The concept of a human rights culture, as formulated at Vienna, would only be realized when the individual was made the focal point of knowledge and education.

99. Mrs. FRIED (Center for Women's Global Leadership), speaking on behalf of a hundred non-governmental organizations defending women's rights, said that the Vienna Declaration and Programme of Action and the Beijing Platform for Action reaffirmed that the first responsibility of Governments was to protect and promote fundamental rights and they emphasized the universal, indivisible and interdependent nature of those rights. The idea that Governments and the United Nations should give priority to ensuring women and girls full enjoyment of their fundamental rights was also set out in the Beijing Platform for Action.

100. The first step should be to ensure full implementation for women of the Universal Declaration of Human Rights in conformity with the Beijing Platform for Action, which entailed providing the necessary financial resources and the steps to make sure that the human rights of women formed an integral part of all United Nations policies and programmes. In that respect, it was to be hoped that the United Nations General Assembly would endorse the adoption by the Commission of the draft Declaration on the rights of human rights defenders. Second, all reservations to the Convention on the Elimination of All Forms of Discrimination against Women should be removed, national laws and policies should be brought into line with that instrument and an optional protocol should be drawn up establishing a right of petition. Third, action was required to end violence against women in the home, to eliminate gender-based persecution in situations of armed conflict, with compensation for the victims, and to ensure that the statute of the future international criminal court included abuse of women in the definition of crimes against humanity and war crimes. Fourth, women's right to health should be realized. Fifth, women's rights to development, literacy, education and employment should be guaranteed. Lastly, without respect for women's rights, the creation of a culture of human rights for all would remain elusive.

101. Mrs. MAZA (Service, Peace and Justice in Latin America) said that during the fourth international workshop of national institutes for the protection and promotion of human rights, the High Commissioner for Human Rights had

stressed the importance of independence and autonomy for national institutions and the need for appropriate terms of reference and powers. Unfortunately, where countries had such institutions, they did not always meet those criteria.

102. In Mexico, for example, the National Human Rights Committee was in no real sense independent of the Executive. Its first two presidents had been unable to complete their terms of office because they had been appointed Procurator-General of the Republic. The Committee was not even financially independent and was precluded from dealing with trade union or electoral matters, or matters relating to the administration of justice. Since the recommendations of the National Committee were not mandatory, the Committee against Torture had considered it unable to carry out its duties effectively.

103. The Special Rapporteur against torture, Mr. Nigel Rodley, had concluded in his report on his visit to Mexico (E/CN.4/1998/38/Add.2) that some human rights committees in Mexico seemed more diligent than others and that the committees tended, for reasons that were not explained, to consider that their recommendations had been implemented even where that was only partly true. The Special Rapporteur wished to see measures taken to ensure that the authorities implemented the recommendations addressed to them by human rights committees. Furthermore, the figures supplied, with regard to cases of torture, for example, appeared to have been fiddled. According to the statistics provided by the National Human Rights Committee, 1,273 complaints of torture were said to have been lodged, and only 42 of them related to the most recent annual period, thus appearing to show that the practice had declined. However, an official report by the National Committee issued in October 1997 and sent to the Special Rapporteur on torture gave the figure for the number of complaints of torture received up to September 1997 as 2,109, with the number of cases declining each year. According to those figures, 836 complaints of torture had been received between June and October 1997, which meant that the number of complaints had not gone down, contrary to the claims of the National Committee. That indicated that the figures had been manipulated.

104. Her organization thus urged the Mexican authorities, when they shortly came to review the Constitution with reference to public human rights institutions, to take account of the recommendations of the Committee against Torture and of the Special Rapporteur on torture.

105. Mr. ICHILCIK (Asian Buddhist Conference for Peace) said that States continued to disregard women's rights, in particular under conditions of military occupation. Indonesia was a signatory to the Convention on the Elimination of All Forms of Discrimination against Women, yet its military forces in East Timor systematically employed sexual harassment and rape as a means of forcing Timorese women to provide information on the resistance movement.

106. In Bangladesh, his organization was also deeply concerned about the safety of Kalpana Chakma, Secretary of the Hill Women Federation of the

Chittagong Hill Tracts, who had been abducted on 11 June 1996 by armed, plain clothes security personnel. It had been no isolated incident and many women in the region were vulnerable to harassment despite the peace agreement signed on 2 December 1997 between the JSS and the Government.

107. The Special Rapporteur on violence against women, Mrs. Coomaraswamy, who had submitted a very interesting report to the Commission (E/CN.4/1998/54 and Add.1), should visit East Timor and the Chittagong Hill Tracts to investigate the situation of women there. Furthermore, in the context of its undertaking in 1996 at the fifty-second session of the Commission, the Indonesian Government should invite a visit from the Special Rapporteur on torture. Lastly, gender-specific issues should be taken into account in the work of all United Nations thematic rapporteurs and working groups.

108. Mrs. PANDJIARJIAN (Latin American and Caribbean Committee for the Defense of Women's Rights), speaking also on behalf of Women's Caucus, said that in document E/CN.4/1998/NGO/3 her organization had submitted a draft declaration on human rights from the standpoint of incorporating the gender perspective and as a contribution to the fiftieth anniversary of the Universal Declaration of Human Rights. It was tied in with human rights grammar introduced by the 1993 Vienna Declaration, the 1994 Cairo Declaration and the 1995 Beijing Declaration and Platform for Action and emphasized six subjects: right to citizenship, right to development, right to peace and a violence-free life, sexual and reproductive rights, environmental rights and rights based on ethnic-racial identity.

109. With regard to development, it was incumbent on States to eradicate poverty, ensure a fair distribution of income, change structural adjustment programmes to overcome their adverse effects, promote the participation of women in all fields and provide education free from stereotypes or prejudice. Concerning the right to peace and a life free from violence, the proposed text stated that all forms of violence against women constituted an attack against their fundamental rights, so that the right to a violence-free life in both the private and public sphere had to be guaranteed. It also provided for the elimination of all practices that threatened the dignity and safety of women and girls. As to the rights of persons and peoples by virtue of their ethnic-racial identity, the proposed text sought to ensure respect for diversity, considered as equivalence and not as superiority or inferiority.

110. The Latin American and Caribbean Committee for the Defense of Women's Rights hoped that its proposal, which was consistent with the universality and indivisibility of all human rights, would be taken into account by the United Nations General Assembly in its celebration of the fiftieth anniversary of the Universal Declaration, so that the voice of women from a part of the Third World could be heard.

111. Mr. NAZIRI (Movement against Racism and for Friendship among Peoples) said that in the Islamic Republic of Iran State terrorism was violating the basic principles of law. According to an AFP report dated 10 April 1997, over 220 Iranian dissidents who had sought refuge abroad had been murdered since the advent of the rule of the mullahs. That had been confirmed by the verdict handed down on 10 April 1997 by a German Federal court at the end of the so-called "Mykonos" trial concerned with the killing of four Iranian

dissidents. It was stated, in that connection, that actual missions to kill outside the country had been endorsed and ordered by the highest authorities in Iran. The Swiss judicial authorities had come to the same conclusion following the assassination in Geneva in 1990 of Mr. Kazem Radjavi, representative of the National Resistance Council of Iran in Switzerland. Since President Khatami had taken office, 24 dissidents outside the Islamic Republic of Iran had been assassinated.

112. In order to evade international criticism and condemnation, the theocracy in power wished to give the impression that independent "national institutions" existed in the Islamic Republic of Iran and that there were no gross violations of human rights. One such puppet organization, the Islamic Human Rights Committee, was led by and composed of senior representatives of the regime. How, under such conditions, could it be considered independent? According to a report by Radio Tehran on 15 July 1997, the secretary of the Islamic Human Rights Committee was alleged to have said that the United Nations Special Representative on the situation of human rights in the Islamic Republic of Iran and other rapporteurs were making the mistake of comparing the Islamic values of Iranian society with Western values. It went without saying that the atrocities committed by the mullahs had nothing in common with Islam, which was a religion of tolerance! The gross human rights abuses in the Islamic Republic of Iran should thus be condemned in the strongest terms in a resolution containing no hint of compromise.

113. Mr. TAHTSIDIS (International League for the Rights and Liberation of Peoples) said that the situation of Kurdish refugees in the Atrush camp in Turkish Kurdistan, which had been drawn to the Commission's attention at the previous session, was very disturbing. The Office of the United Nations High Commissioner for Refugees had in fact abandoned the camp and the inmates had been transferred to Ninova. However, following attempts to escape from attacks by the Kurdistan Democratic Party and the Turkish forces, nearly 7,000 of those refugees were now trapped in an area full of landmines. Three persons had already been injured.

114. It was clear that the conflict in Kurdistan, which was not international in nature, fell within the Geneva Conventions and their Additional Protocols, particularly the one advocating protection of the civilian population, to which Turkey was a party. In the face of the terrible situation of hundreds of Kurdish refugees, mainly from Turkey, who had been desperately trying to reach the Italian coast at the beginning of the year, Turkey was no longer able to deny the facts. The main reason for the exodus had been the forced evacuation, since 1984, of millions of Kurds to major Turkish cities. Tens of thousands of Kurds had fled to south Kurdistan, thus becoming refugees in their own country, exposed to bombing raids by the Turkish Air Force. In November 1997, the European Court of Human Rights had sentenced Turkey to pay damages for burning villages in the south-east and for harming the right to normal life. Obviously the Turkish policy of displacing the Kurdish population was part of organized military operations against the guerrilla movement. Furthermore, the people displaced received none of the compensation required by the Turkish Constitution or Turkish laws, as they were considered "collaborators of terrorism".

115. In January 1998, the European Parliament had adopted a resolution calling on Member States for fresh efforts to formulate a common policy to aid the Kurdish people and to promote the rule of law and democracy. The resolution reaffirmed that a solution to the conflicts in Turkey and northern Iraq could be reached only by political means, called for an end to Turkish military operations in northern Iraq and demanded that the European Union take an international initiative aimed at seeking a political resolution of the Kurdish problem. The International League for the Rights and Liberation of Peoples appealed to the Commission to take action on those lines.

116. Mrs. SPALDING (World Federation for Mental Health) said that the principles of the Universal Declaration of Human Rights and the mandates of the World Health Organization, the World Council of Churches and the World Federation for Mental Health, among others, all also celebrating fiftieth anniversaries in 1998, shared the goal of promoting mentally, physically and spiritually healthy lives.

117. Noting the numerous issues covered by the agenda item, she observed with respect to human rights and arbitrary deprivation of nationality that non-recognition of national identity, especially in the case of indigenous peoples, could have serious consequences in terms of mental health. Studies by thematic special rapporteurs and working groups should consciously include the impact on the mental health of individuals and the broader community. Terrorism was, by definition, also designed to erode mental health and should now include "electronic terrorism", namely the use of the Internet to form hate-driven personalities. Concerned experts should be invited, within human rights sessions, to contribute to action strategies. Young people, often targeted by that form of terrorism, also needed to be mobilized.

118. Violence against women was riddled with psychological implications, which had to be covered by prevention, rehabilitation and programmes for reintegration in society. With regard to the Decade for Human Rights Education, she applauded the WHO mental health training programme "Life Skills", and the "Fête d'excellence" to be held in Geneva in August 1998, which was inviting interested parties to underwrite grants for a training session. In order to strengthen national institutions and the Centre for Human Rights, it would be useful to have a private initiative along the lines of that used by the Office of the High Commissioner for Refugees for raising funds. The "Fête d'excellence" mechanism could also play a useful part in that context. The impact on emotional and mental health of the human rights abuses and the environmental shifts that led to internal displacement of peoples and mass exodus called for close monitoring.

119. Her organization hoped that the ethical principles embedded in the Universal Declaration of Human Rights would be implemented in real life as a fitting celebration of the anniversary.

120. Mr. MARINO (Federation of Associations for the Defence and Promotion of Human Rights) introduced the proposal his organization had put forward for a Spanish Human Rights Committee. By setting up such a committee, the Spanish Government would contribute to the full realization of fundamental human rights and, as recommended by the United Nations, strengthen national institutions and reinforce the work of the ombudsman. The Committee, whose

remit would be as extensive as possible, was intended to represent all sectors of society at large and to work on a completely independent basis. It would cover all areas of civil, political, economic and cultural rights as well as the rights to self-determination, development, peace and a healthy environment. The Committee would have three functions: to investigate allegations of human rights violations, without prejudice to the work of the courts or of the ombudsman; to advise government and official bodies; and to carry out training and information programmes.

121. The Committee's membership would reflect the various spiritual and ethical dimensions in the country, but it would be unwise to include representatives of the Government, civil service or political parties. Committee members should be drawn from among representatives of trade unions, non-governmental organizations, human rights associations, Parliament, the judiciary, the churches, officially recognized religious communities, universities, the Constitutional Court and social and professional organizations. They should also include leading personalities selected for their expertise, including those representing Spain in relevant international bodies.

122. The legal instrument establishing the Committee should preferably be a fundamental law, or at the least an ordinary law. The Committee should be independent regarding its work in the legal and technical fields and with respect to the procedures for appointing and removing its members. Funds should be provided to allow it to operate effectively. The Committee would draw up its own budget and submit it for approval to Parliament, to which it would also submit its reports and accounts. It would be free to hire the staff it needed and would be provided with the material resources it required.

123. Cooperation with national and foreign organizations (ombudsman, domestic courts, relevant non-governmental organizations, and so on) would be essential. The Committee would be expected to investigate issues falling within its terms of reference, to receive relevant evidence, documentation and information, to make recommendations, to meet regularly, to establish committees and working groups and, where necessary, to establish regional or local sections. It should also periodically review its own work and report on its activities in the interests of transparency. It would be subject to all the usual watchdog mechanisms of a democratic system.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

124. Mr. MZKIOU (Congo), noting that a non-governmental organization, the Movement against Racism and for Friendship among Peoples, had distributed invitation cards in the meeting room from a person purporting to be the legitimate prime minister of Congo-Brazzaville, said that distribution of such invitations should never have been authorized, since the person in question did not represent the Government of Congo-Brazzaville. He hoped that an incident of that sort would not occur again.

The meeting rose at 9.10 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session on

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 April 1998, at 10 a.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. HYNES (Vice-Chairman)	(Canada)
later:	Mr. SELEBI (Chairman)	(South Africa)

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(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.98-12182 (E)

The meeting was called to order at 10 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALBANIA

1. Mr. MILO (Albania) said that the events of the past year in his country provided a good example of the dangers of the State or its institutions violating human rights and of the lack of monitoring of the human rights standards set out in the main international instruments. For the past nine months, the current Albanian Government had been working to rebuild the country's institutions, establish public order and implement reforms: a parliamentary commission, engaged in the preparation of a draft constitution was currently discussing its chapter on human rights and fundamental freedoms. The law on the press stated that the press was free and that its freedom was protected by the State.

2. His Government was doing its best to fill the legal and institutional vacuum in the area of democratic standards that was the heritage of 50 years of communism and 7 years of transition dominated by an authoritarian Government. It was building a system based on the separation of powers and freedom of expression and movement; it was also dealing with criminality and corruption, which were obstacles that seriously hindered the right to development. In that endeavour, it was receiving valuable assistance from the United Nations, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

3. Human rights were not and should not be the internal concerns of States, and their violation was a blot not only on the nation concerned but also on the entire international community. With that in mind, his Government supported the establishment of a permanent international criminal court.

4. The death penalty was a very delicate issue, and one of Albania's most crucial human rights problems. There were two aspects. Since the events in 1997, when the State had dissolved and criminality had assumed unbelievable proportions, efforts to re-establish the authority of the State had been made more difficult by the fact that so many people were armed. On the other hand, when Albania had joined the Council of Europe in June 1995, it had committed itself to freezing the carrying out of, the death penalty, pending its abolition. In the new penal code the number of provisions carrying the death penalty had been halved, to just six cases, and his Government would gradually remove the death penalty from its legislation for all peacetime offences. Moreover, a bill was being drafted that would provide for a human rights ombudsman to investigate human rights violations by the public administration and to monitor the situation of human rights in general, including the death penalty.

5. The International Bill of Human Rights was being violated in an unacceptable manner in the heart of Europe. Ethnic apartheid had been established in Kosovo, where two million Albanians, comprising 90 per cent of the region's population, were being oppressed and discriminated against by the Serbs, who constituted less than 10 per cent. The Albanians of Kosovo were being deprived of freedom of thought, speech and organization, of their political, economic, social and cultural rights, and of their right to work and to receive education.

6. The Serb authorities in Belgrade were trying to force the Albanians out of Kosovo: hundreds of thousands of them had emigrated and were living and working abroad. It was a clear-cut political platform of ethnic cleansing which was being processed in detail by Serb academicians and generals.

7. The international community had condemned the discrimination and use of violence in Kosovo, demanding the withdrawal of the special police forces and the commencement of a dialogue without preconditions. The Belgrade authorities had responded by cordoning off the villages of Kosovo, violently disrupting peaceful demonstrations, trying to begin false negotiations and appointing as a member of the Serb Government a man, Mr. Vojislav Seselj, who had promised to drive the Albanians out of Kosovo.

8. The international community should send a clear message to the Serbs that there was no one any longer who had any doubts as to their responsibility for the bloody events in the Balkans in recent years. The Albanians of Kosovo had been exercising great patience for eight years, enduring ill-treatment and humiliation in the belief that the international community was seriously committed to a peaceful resolution of the problem. The time had come to put an end to their sufferings.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NIGERIA

9. Mr. IKIMI (Nigeria) said he hoped that the current session of the Commission would not be an occasion for an outpouring of condemnation against selected countries: no useful purpose would be served by such a confrontational approach, which was hostile, unnecessary and counterproductive. Recognition of the differences in national circumstances and experiences did not deny the efficacy of human rights as necessary standards to uphold the dignity of the person and the responsibility of the State, but it did permit a better understanding of the evolutionary process which in some countries was providing the conditions for full enjoyment of those rights and a better basis on which to extend necessary assistance and cooperation.

10. There was an urgent need for a more realistic and comprehensive strategy for international cooperation and development. As long as poverty remained the greatest violator of human rights and freedoms, those who erected human rights as a conditionality for cooperation and assistance were not serving the cause of humanity. The mechanisms for the implementation of civil and political rights had become an instrument of oppression in the hands of a few powerful nations which utilized them to further their own narrow national interests.

11. In 1994, a majority of the members of the Commission had rejected a politically motivated resolution against Nigeria's human rights record submitted by a group of Western countries led by the United Kingdom. Undeterred, the same group of countries had continued, since 1995, to sponsor a debate in the Commission on "The human rights situation in Nigeria" without taking due cognizance of the circumstances and developments in the country.

12. Although the Nigerian authorities had viewed the appointment of two thematic Special Rapporteurs on Nigeria under Commission resolution 1996/79 as

unwarranted, they had indicated their willingness to cooperate and an advance team had visited the country on behalf of the Special Rapporteurs, unfortunately involving itself in domestic politics. Although the team had abruptly ended its mission and the Special Rapporteurs had never set foot in the country, a report had nevertheless been submitted to the Commission.

13. Resolution 1997/79, pushed through the Commission by the same hostile group of States, had provided for the appointment of a country-specific Special Rapporteur on Nigeria but it had taken several months to find a candidate willing to perform the "hatchet job". His report to the Commission at its current session (E/CN.4/1998/62) was based solely on discussion with representatives of so-called human rights groups and non-governmental organizations (NGOs) based in London and Geneva. It contained preposterous allegations and its conclusions were unsubstantiated. The Commission's failure to take account of developments in Nigeria since 1995 and to respect the principles of non-selectivity, objectivity and impartiality severely undermined its credibility.

14. Support for politically motivated resolutions against Nigeria in the General Assembly had been declining for the past three years. Only three African States had voted in favour of the resolution submitted to the General Assembly at its fifty-second session and over one half of the Member States had been unable to give it their support. The vast majority of African States realized that the destabilization of Nigeria would have dire consequences for the rest of the continent and recognized the positive steps taken by Nigeria to implement its programme of transition to democratic rule and to promote human rights.

15. Those who had never suffered the brutalities of colonial rule were ill-qualified to castigate the victims of colonialism for alleged violations of human rights. Millions of people of African descent were still being denied full civil and political rights, let alone social, economic and cultural rights, in some of the countries that were dictating what they perceived to be acceptable standards of human rights. The current anti-Nigeria campaign was a calculated attempt to divide and rule and a continuation of the historic ill-treatment of the peoples of Africa.

16. Any objective analyst of the situation in Nigeria would have reported certain major steps taken since 1995 to promote human rights and democracy. Six new States and 182 new Local Government Areas had been created to bring government closer to the grassroots. A National Human Rights Commission headed by a retired Justice of the Supreme Court had been established to investigate and assist victims of alleged human rights violations and had already achieved some remarkable results. The 1987 Civil Disturbances Act had been amended so that verdicts of the Special Tribunal could be appealed to a higher tribunal and the military members of the Special Tribunal had been removed.

17. Decree No. 2 of 1984 had been amended to permit the periodic review of cases of persons detained without trial by a Review Committee comprising the Attorney-General, the Inspector-General of Police and the Chief of General

Staff. Decree No. 4 of 1994, which had set aside court jurisdiction to issue writs of habeas corpus for persons detained under Decree No. 2 of 1984, had been repealed.

18. The people's response to the Federal Government's programme of transition to democratic rule had been overwhelming and large numbers had participated in the recent local government and State Assembly elections. National Assembly elections were scheduled for 25 April 1998 and the last round of elections for State Governors and the President would be held on 1 August 1998.

19. The Commonwealth Heads of Government had endorsed Nigeria's programme of transition to democratic rule at their meeting in Edinburgh in November 1997 and the European Union, at its bi-annual review meeting in December 1997, had looked forward to its successful implementation by the set date of 1 October 1998. Yet States that had been parties to both those decisions were adopting incompatible positions at the Commission.

20. Nigeria's commitment to democratic governance was not a response to external pressure. The path of democracy was one that Nigerians had chosen voluntarily and would follow at their own pace. It was therefore unacceptable that certain powerful nations persisted in attempting to dictate to Nigeria what system of government it should operate and which leaders it should choose. That trend was regrettably more pronounced in the European Union, where a former colonial Power was thought capable of speaking authoritatively on Nigeria and allowed to continue meddling in its internal affairs.

21. Nigeria had formally protested against the European Union appropriation of a sum of 3 million ECUs in its budget for the 1998 financial year for so-called pro-democracy activities in Nigeria, which were in reality subversive activities. That initiative had also been masterminded by a member of the United Kingdom Parliament. His Government viewed such funding as a deliberate attempt to cause disaffection and to instigate a crisis. Institutions and individuals currently engaged in activities within or outside the country that endangered the Nigerian State or promoted subversion and terrorism must be prepared to face the consequences.

22. As the world's most populous black nation, Nigeria was aware of the aspirations vested in it by the countries of Africa and by peoples of colour throughout the world. President Clinton had recently acknowledged Nigeria's role in restoring peace in Liberia and reinstating the legitimate Government in Sierra Leone. Nigeria would never hesitate to commit its resources to the fulfilment of its obligations to Africa, the black race and the international community.

23. It had observed with deep concern, however, recent policy statements indicating the emergence of a calculated strategy to dictate to Africans what their rights, interests and aspirations should be, for example through a foreign-financed radio station or an Africa Crisis Response Force under the tutelage of foreign powers.

24. Instead of preaching to Member States, a hostile posture which any self-respecting sovereign State would vehemently resist, the Commission should

take a comprehensive view, stressing the promotion and protection of human rights but recognizing complexities in their application. A few powerful countries should not be allowed to use subjective criteria as yardsticks to judge, condemn and malign others and to project their narrow foreign policy interests. Consultation and dialogue offered immense potential for influencing political leaders and enhancing international relations. In particular, he appealed to the Commission to disregard the reports of the Special Rapporteur on Nigeria, deny support to any resolution against his country and remove the reference to the situation of human rights in Nigeria from its agenda.

25. Mr. Hynes (Canada), Vice-Chairman, took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1998/3 and Corr.1, 9, 12-15, 55-67, 68 and Add.1-3, 69-73, 113, 114, 126, 127, 130, 132, 138-140, 142, 143, 147-150, 152, 154, 163 and 164; E/CN.4/1998/NGO/7, 13, 39, 40 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

26. Mr. ROSSI (International Association for Religious Freedom) said that, in Saudi Arabia, religious freedom and many other freedoms were either restricted or non-existent. At the last session of the Sub-Commission, he had referred to President Scalfaro of Italy having had to cut short an official visit to Saudi Arabia because he had not been able to fulfil his religious duties on a Sunday. The representative of Saudi Arabia had replied that his Government was ready to engage in a discussion on all constructive points of view, provided it was conducted in an objective and impartial way. The representative had stated that the Saudi Constitution was based on Shariah law, and that all human rights, including religious freedom, were respected in accordance with the regulations in force.

27. While the Saudi Government's openness to discussion was most welcome, it had to be recognized that many of the rules and regulations based on Shariah law did not respect the human rights set out in the Universal Declaration. The death penalty for Muslims who changed their religion was clearly in conflict with the Universal Declaration, but it was also in contradiction to the teachings of the Koran, which declared full freedom of religion for all and did not stipulate the death penalty for apostasy. The Saudi authorities declared that no religion but Islam could be publicly practised in the country, although the fact that hundreds of thousands of foreign Christians were unable to practise their religion freely and had no church in which to do so was clearly at odds with the teachings of the Koran and the practice of the Prophet.

28. The Koran considered Christians, Jews and others to be believers and, in the Prophet's time, they had had their places of worship and were free to practise their religion in Arabia. The Saudi authorities stated that the country should be regarded as one great mosque and that it was therefore

reserved for Islam, but the Prophet had permitted Christian delegations whom he had received in Medina to celebrate their divine service in its mosque. It was highly desirable, therefore, that Saudi Arabia should state that it accepted the Universal Declaration as the other Muslim countries had done, and that it should present an authentic image of Islam as the Prophet had preached and practised it.

29. He welcomed the fact that the Sudan had signed the International Covenant on Civil and Political Rights, and hoped that it would consequently repeal article 126 of its penal code, which seriously restricted the religious freedom of Muslims by stating that any person maintaining his renunciation of the faith was punishable by the death penalty.

30. Ms. PROUVEZ (International Commission of Jurists) called on the Commission to take appropriate action to ensure that the wave of brutal killings in Algeria was fully investigated. The Algerian Government's inability to protect its civilian population and investigate the crimes committed against it had exacerbated the breakdown of law and order.

31. It was essential that the Commission should act on the recommendation of the Sub-Commission and consider human rights violations in Bahrain under the current agenda item, since the human rights situation in that country continued to deteriorate.

32. She urged the Government of Mexico to take action to end the impunity granted to those who had murdered and attacked human rights defenders, journalists, indigenous leaders and representatives of political parties and churches, as well as the perpetrators of enforced disappearances, arbitrary arrests and detentions, torture and cruel, inhuman or degrading treatment and discrimination against indigenous people.

33. Finally, she urged the Commission to take appropriate action regarding gross violations of human rights in Turkey, especially in the south-east part of that country. Visits by the Special Rapporteurs on extrajudicial. summary or arbitrary executions, on the question of torture and on the independence of judges and lawyers and by the Working Group on Enforced or Involuntary Disappearances should take place as soon as possible, with the permission of the Turkish Government.

34. Ms. ELKAIM (Asian Buddhist Conference for Peace) said that the peace agreement signed on 2 December 1997 by the Government of Bangladesh and the Juna Samhati Samiti (JSS) had addressed a decade-long political crisis in the Chittagong Hill Tracts of Bangladesh in which the indigenous Jumma people had been subjected to heinous violations of their human rights by those who had settled in the region. As recently as 9 April 1998, settlers had burnt houses in the area belonging to Jumma refugees returning from Tripura, injuring 12 people. Persecution of the Jumma people by the settlers continued, with false cases being lodged against student activists. She also wished to draw the Commission's attention to the wave of people unjustly claiming refugee status in a number of countries by declaring false affiliation with the JSS on the basis of fabricated documents.

35. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions), said that his report (E/CN.4/1998/68 and Corr.1 and Add.1, 2 and 3) covered situations involving violations of the right to life in 86 countries spanning all continents and races. Despite 122 urgent appeals on behalf of 3,720 individuals and groups in 44 countries, the lives of members of certain ethnic groups and of indigenous or religious communities were increasingly in jeopardy. Human rights workers continued to pay with their lives for their devotion to the cause of justice.

36. On the fiftieth anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, the international community had every reason to be ashamed of its failure to prevent the genocide in Rwanda in 1994 despite, inter alia, his own report on the situation to the Commission. Serious suspicions of genocide also attached to the former Zaire, currently the Democratic Republic of the Congo, where a joint mission appointed by the Commission had been prevented from carrying out its work in May 1997. The task of the current investigating team was being impeded by the recent disappearance of witnesses.

37. He had visited Sri Lanka at the Government's invitation in August-September 1997. The armed conflict in one part of the country provided no justification for violations of human rights and international humanitarian law or emergency measures whose impact was felt most severely by the civilian population. While the Government's efforts to address the situation deserved encouragement and support, more effective action was needed to come to terms with the past and to meet the challenge of establishing peace with justice.

38. The situation in Algeria, where civilians continued to be massacred, was complicated by the establishment of self-defence groups. He felt there was an urgent need to visit the country and report his findings to the Commission but, despite the invitation that had been pending since November 1993, he was still waiting for the Government to propose dates for a visit.

39. All States must establish effective machinery to prevent massacres of their citizens and must ensure that the perpetrators of such acts were prosecuted. He referred in that connection to the 45 members of the indigenous population massacred in Chiapas, Mexico, in December 1997 by a paramilitary group.

40. Mexico, China and Turkey had failed to respond to his requests to be allowed to visit them since 1992 and India since 1993. Cambodia, Papua New Guinea, Romania and Yemen had failed to reply to his communications for three years and the Democratic Republic of the Congo, Nepal and Pakistan for two years. The Government of Yugoslavia had not acceded to his request for a visit following the recent events in Kosovo.

41. He had been invited to visit the United States of America in September-October 1997 to study questions related, in particular, to the death penalty and deaths due to excessive use of force by the police. Although the death penalty was not yet prohibited by international law, its use was subject to numerous restrictions, especially under the International Covenant on Civil

and Political Rights and the Convention on the Rights of the Child. A State's federal structure or the will of the people could not be invoked to justify failure to respect internationally accepted standards in such a crucial area.

42. Despite the deservedly fine reputation of the American criminal justice system, certain facts could not be ignored and amply warranted the moratorium on executions requested by Commission resolution 1997/12. He particularly regretted that the de facto moratorium since 1984 on the execution of women had twice been violated in 1998 and that a Paraguayan citizen had been executed that very morning despite an unprecedented judgement by the International Court of Justice in favour of a stay of execution.

43. Mr. MOOSE (United States) said that the United States had played a prominent role in the establishment of the special rapporteur system and had welcomed visits by special rapporteurs. His delegation was disappointed, however, at the results of the visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions, whose report was severely flawed, despite meetings with policy makers in the Departments of State and Justice, and experts on capital punishment, the prison system and deaths in police custody.

44. United States use of the death penalty was not a violation of international law since capital punishment was not prohibited by customary international law when international standards of due process were fully protected, as they were in the United States. The report had omitted material on the procedural processes against miscarriage of justice which had evolved over 200 years under a constitution noted for its strong protections of a broad range of civil liberties.

45. The Special Rapporteur should focus on his primary mandate of carrying out investigations in countries where summary, extrajudicial and arbitrary executions were a serious problem rather than reviewing the establishment of and adherence to standards for capital punishment. The United States judicial system provided an exhaustive system of protections to ensure that the death penalty was not applied in an extrajudicial, summary or arbitrary manner. Moreover, his country was not a party to any treaty prohibiting the death penalty.

46. The report also failed to mention the mechanisms in the criminal justice system to deal with cases of deaths in police custody, although the Special Rapporteur had met Department of Justice officials working in that area. The mechanisms had proved effective in bringing such incidents to light and in bringing offenders to justice.

47. To ensure that the Commission received a fuller and more balanced picture of how United States legal processes worked to protect the rights of defendants, a written response to the Special Rapporteur's report would be provided. The United States would continue to support the special rapporteur system but insisted that its work should be accomplished in a responsible manner.

48. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (former Zaire)), introducing his report (E/CN.4/1998/65), said that, following the former dictator Mobutu's reluctant establishment of the National Sovereign Conference and the wholly avoidable war in which Mobutu had hoped to rally the people to his cause, hopes for the new regime had been high. It had had the historic opportunity of making a real commitment to democracy; unfortunately, it had not done so.

49. On the contrary, the victorious forces of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) had perceived enemies round every corner. The report dealt both with the last months of the Mobutu Government and the current situation, where President Kabila and the AFDL, constituting effectively a one-party State, had sanctioned arbitrary detention and many other abuses. The east of the country was still at war and the situation was deteriorating, with confrontations between the army and various armed groups.

50. He highlighted five aspects of the report, beginning with assaults on the right to life committed by the new Congolese Armed Forces, the police and members of the AFDL. Although the new Government had rightly asserted that senior officials of the previous regime were not being murdered, they had been imprisoned and their property confiscated. Other people linked with the regime, particularly if they were Hutu or Bembe, had been killed, tortured or disappeared. Cursory trials were conducted by military courts and death sentences were being imposed with increasing frequency, even on pregnant women and children under 18 years of age.

51. Political parties had been denied freedom of association, ostensibly to prevent the country falling into chaos. That explanation was unacceptable to any democrat. Many activists had been imprisoned and tortured, while others had been tried and sentenced by the military court on the dubious grounds that the President had not yet formally declared an end to the war.

52. Human rights organizations also faced huge difficulties; their work demanded as much heroism as during the Mobutu dictatorship. There had been a ray of hope when the Ministry of Justice had announced that it would work together with the NGOs but, over the last few days, Floribert Chebeya had been attacked in his home and the annual report of the Zairian Association for the Protection of Human Rights had been seized before publication.

53. Freedom of opinion and expression was under attack following the detention of numerous journalists, suppression of newspapers and attacks on their premises. The Minister of Information defended such action on the grounds that newspapers should not be defamatory.

54. The public had no faith in the democratization process and was not participating in it. The Constitutional Commission was composed of the President's men and its draft constitution, ignoring the agreements at the National Sovereign Conference of 1992, left the President with supreme power. The constituent assembly was to be elected but was likely to be packed.

55. The Special Rapporteur had been confronted with an even more aggressive attitude than that shown by the previous Government. He had received no

response to the cases that he had transmitted nor received authorization to visit the country. A more emollient note verbale had given rise to some hope, with the admission for the first time that the country had some human rights difficulties. The Government should not see the Special Rapporteur as an enemy and should remember that a democratic society could be built only collaboratively.

56. Introducing the report on allegations of massacres and other human rights violations occurring in eastern Zaire (now the Democratic Republic of the Congo) since September 1996 (E/CN.4/1998/64), prepared by himself, by the Special Rapporteur on extrajudicial, summary or arbitrary executions and by a member of the Working Group on Enforced or Involuntary Disappearances, he said that, although the AFDL had regrettably refused permission to visit the area, the joint mission had been able to hear testimony in Geneva and in Rwanda. There had been serious violations of international humanitarian law by all parties. The acts were such that the joint mission considered them crimes against humanity, which should be brought before an international court. Owing to the impossibility of visiting the area, it was unable to determine whether they were also crimes of genocide, although it was noteworthy that most of the victims were Bahutu.

57. The setting up of the joint mission had been yet another step forward in the evolution of the Commission's human rights machinery, since it brought together three of the Commission's mechanisms. The special rapporteur procedure was one of the most effective within the United Nations system, since it was not subject to ratification or reservations by States, or based on reports submitted by States. It was the system that gave States the most cause for concern and their victims the greatest hope. For a special rapporteur to do his job properly, however, he had to be completely independent and have freedom of movement, freedom to choose his witnesses with no outside interference and freedom to express his opinions. It was also important that his safety and that of his associates and witnesses was guaranteed.

58. Mr. GROTH (Special Rapporteur on the situation of human rights in Cuba), introducing his report (E/CN.4/1998/69), said that, as indicated in paragraph 67, there had been no significant change, although prison sentences tended to be less harsh than in previous years. There were still many cases of individuals - human rights and political activists, trade unionists and journalists - being subjected to harassment by the authorities, as detailed in paragraphs 17-57. He paid tribute to those who risked their safety by providing information to the United Nations.

59. Paragraphs 58-60 examined prison conditions, which remained deplorable. The report also considered (paras. 6-13) the Fifth Communist Party Congress which had held out little hope of significant change, and the elections for deputies to the National Assembly of People's Power and the Provincial Assemblies, vitiated as they were by the fact that there had been only one candidate for each seat.

60. The economic system of the country meant that the enjoyment of economic and social rights had suffered. The decision by the United States of America to relax some aspects of the embargo was therefore to be welcomed and he

trusted that the United States Congress would shortly remove the remaining obstacles to the sale of food and medicine to Cuba as a first step to lifting the embargo completely.

61. His Holiness the Pope had spoken out in favour of greater respect for human rights and an end to the isolation of Cuba. In that connection, the release of a significant number of political prisoners had been a welcome, if largely symbolic, gesture. There could be no talk of real improvement, however, while the four individuals named in paragraph 35 remained in detention and he urged the Government of Cuba to release them immediately.

62. Mr. AMAT FORÉS (Cuba) said that his delegation would be indifferent to the increasingly useless exercise of examining human rights in Cuba but for its implications for the credibility of the Commission. The report was simply yet another form of aggression masterminded by the United States of America, which used the Commission shamelessly. A report by the Commission in 1988 had made it clear that the establishment of a special procedure for Cuba was unnecessary, but the United States had instigated the appointment of a Special Representative of the Secretary-General who had subsequently become a Special Rapporteur. Ever since, the Special Rapporteur had been a tame instrument of the United States and his report was virtually a copy of that of the State Department, interfering in the sovereignty of the Cuban people.

63. There had never been any practices in Cuba of torture, enforced disappearances, extrajudicial executions, political assassinations or convictions for offences that had not previously been provided for in the penal legislation, nor had a defendant ever been denied a fair trial, despite allegations in slanderous radio programmes sponsored by the United States.

64. The Constitution had been adopted by 97.7 per cent of the votes cast in a referendum in which 98 per cent of the registered voters had participated. Cuba's democracy was effective because it was sustained by the genuine participation of its people.

65. In spite of the blockade, the country's social indicators continued to improve. Its infant mortality rate was the lowest in Latin America and among the 25 lowest in the world. The World Health Organization (WHO) had acknowledged that Cuba had already reached the health standards targeted for the year 2000.

66. His country was open to international cooperation in the field of human rights, so long as it took place on a fair basis. It cooperated with the relevant treaty bodies and with the Commission's various thematic procedures. It could not, however, accept the selective and discriminatory treatment of an warranted special procedure serving the blind policy of a single country against Cuba, whose freedom to choose its own destiny should be respected.

67. Mr. SORABJEE (Special Rapporteur on the situation of human rights in Nigeria), introducing his report (E/CN.4/1998/62), said that he had received no response to his four communications requesting official approval from the Government of Nigeria for a fact-finding mission or to his request for

information regarding the human rights situation there. His report, therefore, was based on the recommendations of the Secretary-General's fact-finding mission to Nigeria and the other sources listed in its paragraph 18.

68. Analysis of the information revealed that, despite some positive changes made by the Nigerian Government, there were extensive violations of basic human rights. Nigeria was ruled by military decrees which did not recognize the jurisdiction of the courts. Consequently, there was no effective legal protection for human rights, the independence and authority of the judiciary were being consistently undermined, and there was a conspicuous absence of due process in criminal trials.

69. The practice of detaining relatives of Nigerians living in exile, known as hostage-taking, was prevalent. Because of the regime's sensitivity to criticism, freedom of expression and of the press were severely curtailed, the passports of persons intending to participate in international conferences had been seized and persons who had criticized Nigeria abroad were arrested on their return.

70. A positive measure taken by the Nigerian Government was the establishment of the Nigerian Human Rights Commission. However, its jurisdiction must be expanded to cover all cases of violations of human rights and its Chairman and members should be granted security of tenure. Another step forward had been the establishment of a Ministry for Women's Affairs and a growing awareness of the importance of women's rights, including their participation in the political process. Yet another welcome step had been the establishment of the National Child Rights Implementation Committee and the preparation of a National Plan of Action.

71. Although certain measures had been adopted to implement the programme of transition to civilian rule, the limitations on political parties and the absence of any dialogue with the opposition gave rise to serious misgivings concerning the Government's genuine commitment to the restoration of democracy. Release of all political prisoners and others detained without charge or trial would be a confidence-building measure that would lend credibility to the transition process. Restoration of the rule of law and democracy, in substance as well as in name, would be evidenced by the restoration of the institutions essential to democracy: an independent judiciary, a free and responsible press and an opposition able to function freely and where citizens could express dissent without fear.

72. Mr. Selebi (South Africa) resumed the Chair.

73. Ms. GONZALEZ FERRER (Federation of Cuban Women) said that the unlawful economic, commercial and financial blockade imposed unilaterally against Cuba represented an act of State violence against women and a permanent violation of their human rights. Life for the Cuban family had been difficult in the years since the collapse of the Socialist bloc, and Cuban women were the ones who had suffered the most from the reinforcement of the United States blockade. There was no reason whatsoever to blockade Cuba, just as there was no reason to maintain a Special Rapporteur. Despite the difficult conditions, the Government had conducted a systematic policy in pursuit of the development

of its people with the advancement of women as one of its main objectives. While the Cuban people did not pretend to be a model, they did demand the right to freedom and independence and to choose their own form of government.

74. Mr. CHAKMA (Asian Cultural Forum on Development), said he cautiously welcomed the Chittagong Hill Tracts Peace Treaty signed between the Government of Bangladesh and the Jana Samhati Samiti in December of 1997. The challenge would be to implement that agreement and to establish a durable peace. The number of arrests and detention and the violence by vigilante groups did not, however, increase confidence in the prospects. He called on the Commission to urge the Government of Bangladesh to bring an end to the reign of terror and lawlessness in the region.

75. There was also concern about the forcible deportation by the Malaysian Government of Acehnese asylum-seekers. He urged the Government of Malaysia to end the refoulement of those asylum-seekers and allow access by UNHCR to the detention centre in which they were being held.

76. Mr. SALIH (Arab Organization for Human Rights) said that, unfortunately, torture was still practised in many places in the Arab world. He welcomed the fact that two further Arab countries had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, although the reservations they had entered made their adherence essentially meaningless. Over half the countries in the Arab world had not yet adhered to the Convention and his organization called upon the Commission to adopt a resolution urging universal adherence thereto.

77. It was also unfortunate that states of emergency were in force in many Arab countries. In Libya, collective punishments had been imposed, while the press was strictly controlled in Jordan and Sudan imposed severe restrictions on the political opposition. There were also significant violations of the right to life, as in the case of students in southern Sudan who had refused military conscription and had been shot as they attempted to leave the centre.

78. Egypt and Algeria were endeavouring to address the problems caused by the activities of armed Islamist groups, but their actions had not helped to resolve the situation. In Egypt, civilians had been tried by military courts. There was great concern regarding the failure of the Algerian authorities to protect the people from armed groups and to agree to an international investigation of the situation.

79. An end to the sanctions against Iraq would help to improve the human rights situation of the Iraqi people by allowing international attention to focus on the human rights violations occurring there. The embargo against Libya should also be lifted, as the International Court of Justice was the appropriate instance to deal with that dispute.

80. Finally, he drew attention to the situation of the Palestinian people who were suffering human rights violations at the hands of the Israeli authorities. Over 3,500 persons were being held in administrative detention without charge, and there were reports of extrajudicial killings and ill-treatment by the Israeli authorities. Complaints of abuses committed by the Palestinian Authority must also be thoroughly investigated.

81. Mr. KHAN (International Progress Organization) said that recent developments in Pakistan showed that the country's leaders had not yet shaken off the legacy of its dictatorial past. Although democracy had been established in Pakistan, the people had not yet benefited from its fruits. Prospects were darkened, moreover, when national leaders asserted that democracy was not meant for Pakistan. There was a disturbing trend towards a return to the former feudal structure.

82. Democracy, as the world understood it, demanded constitutional and legal equality for all citizens, but the highest political offices in Pakistan were reserved for members of the majority community. Christians, Hindus and Ahmediyas were subjected to discrimination, but religious bigotry had grown to such an extent that minority Muslim sects also felt threatened. Feudalism, police brutality, extrajudicial killings, religious persecution, the oppression of women and legalized State terrorism were some of the factors that were working to marginalize Pakistani society.

83. Mr. REQUESENS (International Federation of Action by Christians for the Abolition of Torture (ACAT)) said that, while welcoming the efforts made by the Government of Peru to correct some of the measures imposed during the period of political violence, he was concerned by the fact that some emergency measures appeared to have become irreversible. Thus, the Amnesty Act of 1995 granted impunity to members of the armed forces and police with regard to serious violations of human rights, including the rape of women in detention and the torture and maltreatment of over 77 per cent of pre-trial detainees. Amnesty for such excesses, which ran counter to the International Covenant on Civil and Political Rights, would not promote national reconciliation. There was also concern that persons convicted of terrorism were being held in conditions well below United Nations standards in Challapalca Prison, and the Commission should urge the Government of Peru to close that place of detention.

84. The deterioration of the human rights situation in Colombia remained a matter of concern and the Office of the High Commissioner for Human Rights in Bogota should be strengthened. There had also been an increase in the practice of torture in Mexico against persons suspected of membership of armed groups. He called for the immediate implementation of the recommendations of the Special Rapporteur on the question of torture in that regard.

85. Ms. MOYA (American Association of Jurists) said that, although the Government of Mexico had met NGOs and journalists to explain its position with regard to the situation in Chiapas, it continued to reject the efforts of international observers to investigate the situation on the ground. The continued presence of significant military forces and paramilitary groups in the area was a matter of great concern. The Mexican Government must comply with agreements and guarantee the human rights of its own people in order to avoid an escalation of violence that would affect Mexican society as a whole.

86. The situation of the judiciary in Peru could not be worse. The members of the National Council of Justice had recently resigned en masse in protest against the brutal curtailment of their jurisdiction. The situation had come to such a pass that the World Bank, which was financing projects to modernize

the judiciary in various countries throughout the world, had decided to withdraw the funding intended for Peru. The situation in the prisons constituted a violation of basic human rights.

87. In Bolivia, armed confrontations between special units of the armed forces and peasant groups in the Chaparé region had resulted in seven deaths and six peasant disappearances. The protest had been sparked off by a reduction in the compensation promised by the Government in exchange for the eradication of the coca crop.

The meeting rose at 1 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 46th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 April 1998, at 3 p.m.

Chairman	Mr. SELBI	(South Africa)
later:	Mr. GALLEGOS CHIRIBOGA	(Ecuador)
later:	Mr. HYNES	(Canada)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.98-12212 (E)

The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

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1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her report on the Human Rights Field Operation in Rwanda (E/CN.4/1998/61), said that, faced with the legacy of a genocide which had claimed the lives of at least half a million people, the Office of the High Commissioner had established the Human Rights Field Operation in Rwanda to support the Government's efforts to improve the human rights situation and foster national reconciliation. The Operation had carried out three types of activities since September 1994: conducting investigations into the genocide and other serious violations of human rights and humanitarian law; monitoring and reporting on the ongoing human rights situation; and implementing a broad-based programme of technical assistance and human rights promotional activities, including projects to strengthen the capacity of the country's judicial system, public institutions and civil society.

2. Since the previous session, however, problems had continued to exist. At the judicial level, investigations were still difficult and an enormous number of persons were still awaiting trial. Despite the Government's efforts, conditions in prisons were a matter for concern. In order to remedy matters in that area, the authorities should, where appropriate, urge those concerned to make voluntary use of the confession and guilty plea procedure provided for in the Genocide Law.

3. In the north-west of Rwanda, insecurity persisted, suggesting disregard for the basic standards of international human rights and humanitarian law. The situation of insecurity had adverse effects on agricultural production and limited the on-site activities of the United Nations agencies in general and of the Human Rights Field Operation in particular. She called on the international community to strengthen its multilateral and bilateral efforts to assist the Government in protecting the civilian population in the region. She encouraged the Government to prevent the excessive use of force and fully to respect international human rights and humanitarian law standards. She also welcomed the Security Council's recent recognition of the need for a renewed investigation of the illegal flow of arms to Rwanda.

4. In order to find a way out of its economic difficulties, Rwanda continued to require the political and financial support of the international donor community. The proposal to reform the property law to enable women to hold property was particularly welcome. The Human Rights Field Operation was focusing on assistance to vulnerable groups, particularly genocide survivors, in cooperation with all active United Nations agencies in Rwanda and in accordance with the established priorities of the Government in economic and

social matters. National reconciliation meant integrating the whole spectrum of fundamental rights, and especially the right to development, in all United Nations activities in Rwanda. In order to facilitate coordination between United Nations agencies and donor Governments, an intergovernmental body could be created to coordinate all activities relating to genocide survivors and to strengthen efforts in support of that particularly vulnerable group, in their role as claimants in genocide trials.

5. Mr. Gerard Fischer, who had been appointed Chief of the Human Rights Field Operation in February 1998, had begun an internal review of the Operation's role, priorities and functions in order more effectively to assist the Government of Rwanda in promoting and protecting all human rights. She counted on the full participation of the Government in the review in order to refocus the Operation's mandate in the light of the evolution of the situation and the need to leave self-sustained human rights institutions in place for the future. Mr. Fischer had already held an initial meeting with the Government to that end, but it was a matter of concern that the Government had submitted a written proposal suggesting the elimination of all monitoring activity. While she agreed with the Government of Rwanda on the need to shift the Operation's priorities towards technical cooperation, monitoring activity continued to be necessary precisely in order to assist the Government in introducing corrective measures when necessary and identifying human rights capacity-building initiatives. The Operation's aim was precisely to strengthen national capacity through technical cooperation projects focusing on the judicial system and the development of an enduring human rights culture in Rwanda. In that connection, she attached great importance to the Government's initiative to establish an independent human rights commission with a view to the phasing out of the Field Operation. She therefore appreciated the Government's cooperation with the Special Representative on the situation of human rights in Rwanda in ensuring that the creation and identification of functions of such an institution would be in keeping with the relevant international human rights standards.

6. The future of Rwanda lay in its internal capacity to ensure the promotion and protection of human rights and it was with that aim that her Office intended to provide all possible assistance.

7. Mr. GAHIMA (Rwanda) said that membrs of the former Government, the former Rwandan Armed Forces (FAR) and the former Interahamwe militia were solely responsible for the insecurity currently affecting Rwanda and that the violence they had unleashed was a continuation of the genocide of 1994. States must now comply fully with Security Council resolution 1161 (1998) relating to the flow of arms to those groups and the Commission must condemn the genocide. While he acknowledged that there had been some instances of use of excessive force by individual members of the security forces during military operations, abuses had neither been frequent nor extensive. They were not sanctioned by the authorities and they were always investigated and, where the evidence warranted, prosecuted.

8. The Government of Rwanda was disillusioned with the Field Operation, which had suffered from poor leadership and neglect by the Office of the High Commissioner, lack of competent, experienced and motivated personnel and restrictive United Nations security regulations. Its methods of operation had

lacked fairness and transparency. Since its officers had not performed any on-site investigations, most of its reports had been based on hearsay evidence. Although those issues had been raised on many occasions with successive heads of mission and the High Commissioner herself, the problems persisted. His Government believed that the mission no longer served any useful purpose in its current form and intended to undertake a review of its mandate and operation jointly with the High Commissioner. It did not accept the language of the High Commissioner's report (E/CN.4/1998/61). The field mission had come to the country at the invitation of the Government, which was proceeding on the basis that the review would be a joint one, not the High Commissioner's alone.

9. With regard to conditions of detention, it was admitted that prisons were overcrowded, but that was not a result of arbitrary arrests; it was a consequence of the genocide. The only long-term solution to the problem was the construction of additional prisons, but resources were lacking. The lack of resources also meant that the judicial system did not function properly; there was not enough personnel, remuneration was inadequate, there was little motivation and equipment and means of transport were lacking, etc.

10. Extremely large amounts of money were spent every year in the name of justice and human rights in Rwanda on far less deserving causes. Resources needed to be distributed more fairly among national institutions and United Nations operations and agencies, taking into account the country's true interests. His Government questioned the wisdom of spending more than $50 million a year on an international tribunal that was unable to conclude even a single trial after three years of operation, at a time when the domestic court system was in dire need of resources. The $30 million that the international community had spent in sustaining the Human Rights Field Operation might have served the cause of justice and human rights better if it had been allocated to programmes for the capacity-building of domestic institutions such as the police and the prosecution service or to help civil society in Rwanda at large.

11. Mrs. GRAZ (Reporters Without Borders) said that, over the past 10 years, more than 600 journalists had been killed in the course of their work. Although Zaire had become the Democratic Republic of the Congo in May 1997, the persecution of journalists had not ceased. In Algeria, 57 journalists had been murdered since January 1992 by groups claiming to represent the Islamic fundamentalist movement, although there were still doubts in that regard. Two journalists had "disappeared" after being kidnaped by the police. Dozens of others had been arrested and jailed and publications had been banned. In Ethiopia, 20 journalists were still in prison and some 20 more were awaiting trial. In Cameroon, journalists had been arrested, imprisoned and sentenced, one of them merely for reporting that the President of Cameroon had been taken ill. In Nigeria, despite promises of a transition to democracy, 90 journalists had been threatened, assaulted or arrested and some had still been in prison at the end of January 1998.

12. Cuba was the only country in Latin America without press freedom. Journalists working for independent news agencies were regarded as "traitors to the Fatherland" and imprisoned. Even a more democratic country like Mexico remained dangerous for journalists, increasingly greater numbers of whom were

threatened, assaulted and even murdered, basically because they had been investigating drug trafficking or abuse of power. Such persecution, which often went unpunished, was perpetrated in many cases by politicians, the armed forces in conflict zones (such as the States of Chiapas and Guerrero), civil servants and drug traffickers.

13. There was no time to mention all the countries where journalists were persecuted, but it should be remembered that fewer than half the Member States of the United Nations enjoyed freedom of the press.

14. Mrs. LITTLE (Andean Commission of Jurists) welcomed the fact that, in Bolivia, progress in eliminating unlawful coca-growing had paved the way for greater respect for the fundamental rights of the Chaparé farmers. In Peru, steps taken in connection with the courts were aimed at ensuring compliance with regular procedures. Democracy's foothold in that country, as in the rest of the region, was nevertheless frail, as proven by the fact that Peruvian intelligence had resorted to the torture and murder of two of their own female agents suspected of giving information to the press on action taken against certain opponents. In Venezuela, although the Government was trying to improve conditions of detention, 25,500 prisoners were crammed into establishments intended for 16,000. In Chile, the children of Colonia Dignidad had been subjected to sexual harassment and conscripts had been ill-treated. Members of the armed forces had been systematically involved in those cases. In Ecuador, innocent citizens had allegedly been the victims of ill-treatment by the police. Nearly all those cases had gone unpunished.

15. Colombia was caught up in a spiral of violence which was particularly disturbing in view of the domestic armed conflict and the activities of paramilitary groups, armed groups, drug traffickers and organized criminal groups which made a mockery of fundamental rights and international humanitarian law. There had been countless victims of violent deaths and persons who had been displaced within the country. The activity of paramilitary groups had become an instrument of impunity and, although there had been a drop in crimes attributed to the security forces those which could be placed at the door of the paramilitaries increased all the time.

16. If impunity was to be resisted in all the countries of the region, Governments must be resolutely in favour of the division of powers and the elimination of interference in the exercise of civilian power. In serious situations of violence, as in Colombia, political solutions were needed, too. The international community was therefore required to contribute to the most feasible peace process, one which grouped all the parties involved.

17. Mrs. GARCIA (North-South XXI) drew attention to two situations of violations of the fundamental rights of indigenous peoples in South America, taking place during the International Decade of the World's Indigenous People, proclaimed by the United Nations when the draft Declaration on the Rights of Indigenous Peoples was being drawn up. In Colombia, the existence of the U'wa people was being threatened by the activities of the oil industry, despite the guarantees offered by the authorities. The activities in question threatened

the territory, the environment, the values and the social stability of the U'wa. The Commission should take action to ensure respect for the cultural and territorial identity of that population group.

18. In Bolivia, the intervention of the armed forces in the Chaparé region had caused many victims among the population. When it had been confronted with legitimate demands by the people, the Government had only used repressive anti-constitutional measures and had called in the army, particularly in coca-producing areas. That was certainly not the way to solve the country's economic problems. Human rights violations were no longer, as in the past, being justified on the pretext of action to combat communism, but on that of action to combat drug terrorism, and that was the motive for persecuting the indigenous authorities. Such a return to the period of dictatorship should not be a matter of indifference to national and international public opinion.

19. Mr. Gallegos Chiriboga (Ecuador) took the Chair

20. Mr. UR REHMAN (International Institute for Peace) said that the release of Nelson Mandela had regrettably not marked the end of colonialism, which was still rife in the northern areas of Gilgit and Baltistan, part of the State of Jammu and Kashmir that had remained under the direct and illegitimate control of Pakistan since 1947. The United States State Department had recently estimated that 1.5 million inhabitants of the region were not protected by Pakistan's Constitution or judicial system or represented on the government bodies of the occupying country. Pakistan kept the region underdeveloped and the population's most basic aspirations were brutally repressed.

21. Although Pakistan proclaimed itself a champion of the right of self-determination of the people of Kashmir, the population of the territories in question were struggling to make their voices heard while some of their defenders were being subjected to persecution. Nevertheless, thousands of people aspired to be released from the yoke of Pakistan's colonialism. The people of Kashmir sought to be reunited with their families and friends, whether they were Hindus, Sikhs, or Muslims. They aspired to participate in the socio-economic development of other parts of the Indian subcontinent. The international community had a duty to act, in the spirit of the Universal Declaration of Human Rights, the fiftieth anniversary of which would be celebrated in 1998. The Office of the High Commissioner for Human Rights might consider sending a delegation to the northern areas and to Azad Kashmir to inquire into the fate of the populations in question.

22. Mr. GUPTA (Indian Council of Education) said that terrorism in all its forms had been frequently condemned by the United Nations General Assembly, the Commission on Human Rights and the summits of the Movement of Non-Aligned Countries and the G-7 countries. Commission resolution 1997/42 and the Secretary-General's note (E/CN.4/1998/48) on human rights and terrorism were of particular relevance. Terrorism, which was designed to undermine the legitimate authority of a Government or a State, could be an act by an individual, a group or even a State. It was supported by external forces and could take an ideological form. Whatever its form, its goal was to destabilize legitimate Governments, with a very damaging impact, especially in democratic countries, and to serve the very different objectives of its perpetrators.

23. In India, the State of Jammu and Kashmir was the target of terrorist activities supported by Pakistan, which encouraged large-scale destabilization and subversion in the state by promoting the indoctrination of young people and the training of mercenaries, and by providing financial incentives and strategic guidance. The population of Jammu and Kashmir were thus the victims of acts of violence by mercenaries trained in neighbouring countries.

24. The Commission should once again strongly condemn mercenary and terrorist activities and ensure that States adopted the necessary measures to prohibit the use of their territory for organizing or encouraging terrorism.

25. Mr. PAPPALARDO (France Libertés: Fondation Danièle Mitterrand) said that, at the previous session, his organization had referred to the Berlin trial, which had, for the first time, established the responsibility of the Iranian State in the organization and perpetration of a terrorist act outside its own borders. It had also furnished a list of 240 Iranian opponents murdered abroad. The Commission should take up the verdict of the Berlin court in order to condemn strongly Iran's indefensible practices. In Turkey, freedom of expression and opinion seemed threatened following the dissolution of REFAH, the majority party, and the arrest of leaders of other political parties. The holding of municipal elections and the fear of a massive HADEP party victory in the south-west of the country were certainly the reason for the new wave of arrests which had been observed.

26. Just when it had seemed possible to welcome the peaceful settlement of the crisis between the Government of Iraq and the United Nations, it appeared that the regime had not abandoned its unacceptable methods after all. In December 1997, 81 opponents had allegedly been executed in Iraq, not to mention the fact that nearly 300 persons had died during the so-called "prison cleansing" operation. The Government decree of 12 January 1998, moreover, requested the immediate deportation of 1,468 Kurdish families in the region of Kirkuk. The responsible Iraqi authorities should not go unpunished and his organization once more requested the establishment of an international court for Iraq.

27. In Mexico, the international community was still waiting for the persons who had ordered the Acteal massacre to be brought to justice.

28. In Tunisia, the situation of human rights defenders was untenable. His organization urged that the former president of the Tunisian League of Human Rights, Mr. Ksila, should be released. As for Algeria, his organization could only support the efforts of the Secretary-General and the High Commissioner for Human Rights and it encouraged the Algerian Government to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture to visit the country as soon as possible.

29. In conclusion, his organization welcomed the fact that the Commission's pre-sessional open-ended working group had finalized the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms on 4 March 1998. It hoped that the Commission would adopt the text and that a special rapporteur would be appointed on human rights defenders.

30. Mr. de MEDINA-ROSALES MATRÁN (International League for the Rights and Liberation of Peoples) drew the Commission's attention to the situation of human rights in Cyprus, where the humanitarian crisis for which Turkey was entirely responsible had lasted for more than 20 years. Although it claimed to respect international and European human rights standards, Turkey continued not only to disregard the right of refugees to return to their homes and recover their property, but also imposed additional restrictions on the freedom of movement of Greek Cypriots in the occupied territory and showed no intention of withdrawing its 35,000 troops and settlers. Those were only minimum requirements stipulated, inter alia, in the Commission's resolutions and the relevant rules of international humanitarian law.

31. In Peru, President Fujimori had been governing by decree, with the support of the armed forces, since the coup d'état of 1992. He enacted legislation in order to break down any opposition, amended the Constitution as he pleased, dismissed judges who opposed him, imprisoned human rights defenders and prohibited newspapers which did not publish the "official truth". The indigenous population, i.e. the majority, was subjected to discrimination. The social situation was disastrous. Access to education, health and dignified employment was almost non-existent. In its comments on Peru's latest periodic report, the Committee on Economic, Social and Cultural Rights had recommended that urgent measures should be adopted, particularly in respect of social justice, the cessation of forced expulsions in Amazonia and the abolition of child labour.

32. With regard to the Human Rights Committee's conclusion that Victor Polay Campos, the leader of the revolutionary Tupac Amaru movement, should be released or should have access to an effective legal remedy, his organization's opinion was that all Peruvian prisoners who had been sentenced under similar conditions should also be released. It also pointed out that conditions in Peru's prisons were absolutely not in conformity with United Nations principles. It requested the Commission to adopt a resolution requiring the Peruvian Government to comply with its international human rights obligations.

33. Mr. CASTILLO BARROSO (Cuban Movement for Peace and the Sovereignty of Peoples) said that his organization once again denounced the genocidal nature of the blockade against the people of Cuba ordered 40 years earlier by the Government of the United States and rejected as biased the report of the Special Rapporteur for Cuba, which served the interests of the United States authorities by justifying the maintenance of its criminal blockade. It also wished to report on the results of the heroic resistance of the Cuban people, supported by representative bodies of the international community and by eminent persons. For example, General Assembly resolution 52/10, adopted by 143 votes in favour and 3 against, condemned the blockade for the sixth year running; the Eighth Institutionalized Ministerial Meeting of the European Union and the Rio Group had categorically rejected unilateral and extraterritorial legislation as contrary to international law and the rules of the World Trade Organization; Pope John Paul II had described as unfair and ethically unacceptable the restrictive economic measures imposed on Cuba from abroad; statements had been made by the leaders of the Council of Christ Churches (United States) and of the important organization "Nation of Islam"; on 13 January 1998, the United States Chamber of Commerce had requested the

lifting of the ban on sales of medicines and food to Cuba; and courageous efforts had been made by some members of the United States Congress to promote a bill excluding medicines and food from the provisions of the infamous Helms-Burton Act.

34. Those points of view were ignored or subtly manipulated in the report of the Special Rapporteur (E/CN.4/1998/69), who defended inadmissible acts against the sovereignty and self-determination of Cuba. The international community would not be acting in conformity with the principles of the United Nations if, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights and on the eve of the new millennium, it did not unite to put an end to the variation on undeclared war constituted by the cruellest blockade ever imposed on a single nation and, in the context of the Commission, to the mandate of the Special Rapporteur.

35. Mr. PARY (Indian Movement "Tupaj Amaru") said that economic embargoes which were unilaterally decreed by economic and military powers against small countries had adverse effects on human rights and were an affront to the conscience of the international community, which must demand that they should immediately be lifted. Disregarding the Charter of the United Nations and international instruments, the United States was endeavouring to destroy Cuba's socialist experiment, which had been freely decided by the people of Cuba, through economic and political pressures. Despite United Nations resolutions, the embargo against Cuba had been drastically strengthened by the Toricelli amendment and by the Helms-Burton Act, the purpose of which was to put a stranglehold on the Cuban economy and to destroy the country's political and economic system. By prohibiting the purchase by the Cuban people of basic necessities on the United States market, the cruellest embargo in history added still further to the tremendous difficulties Cuba was facing.

36. It was, however, in Iraq that the economic embargo imposed on the country by Security Council resolution 661 (1990) had the most dramatic and the most barbarous effects. Like the indigenous peoples of America before it, the people of Iraq had fallen victim to the greed of the neocolonial powers. The goal of the Gulf war had not been to liberate Kuwait, but to conserve the geopolitical interests of the economic and military powers. Iraq was currently disarmed, disabled and relegated to a pre-industrial era, while a third of its population subsisted in conditions of extreme poverty. In the name of the United Nations, "controlled genocide" was being committed against a people who had been sacrificed to the new international economic order, with the connivance or the indifference of the international community.

37. His organization urged the Commission to give priority consideration to the consequences of the wars of aggression being waged on the rights of the Iraqi people and urged the United States and its allies to cease their policies of aggression and intimidation and to end as soon as possible an embargo which had no legal basis or moral justification in a world where antagonistic blocs no longer existed.

38. Mr. Selebi (South Africa) resumed the Chair.

39. Mr. VOYER (Indian Law Resource Center) drew the Commission's attention to the situation of the Western Shoshone people in the United States of America. The United States Government was threatening to force off its

ancestral lands an indigenous people which had since time immemorial occupied a territory within the Great Basin region whose boundaries had been described in the 1863 Treaty of Ruby Valley. The economic and cultural survival of the Western Shoshone people was entirely dependent on the land and its resources. For several years, the United States, basing itself on the interpretation of a statute unilaterally enacted by the United States Congress, had been taking action to prevent certain Western Shoshone groups from using and occupying their land. On 19 February 1998, the United States Bureau of Land Management (BLM) had taken several decisions and had declared that those groups had no right to be where they were, threatening them with fines, imprisonment and impounding their cattle and confiscating their property. The Inter-American Commission on Human Rights had requested the United States to stay its action pending an investigation of the matter. On 6 April, however, the BLM had threatened the Western Shoshone with measures if they did not remove their livestock and property from the disputed land within 15 days.

40. The United States authorities had informed his organization that their country did not consider itself to be bound by the decisions of the Inter-American Commission on Human Rights. The position of the United States, which went against the spirit of the international cooperation in the field of human rights advocated by the representative of the United States, Mr. Richardson, at the Commission's current session, was very disturbing. His organization urged the Commission to ask the United States to comply with the request of the Inter-American Commission on Human Rights and to stay its action against the Western Shoshones. The United States should also move quickly and in good faith to resolve the issue of indigenous land rights in a manner consistent with its obligation to promote the full enjoyment of human rights and fundamental freedoms.

41. Mr. EIBNER (Christian Solidarity International, CSI) said that over 20 fact-finding visits to Sudan in the past five years and the findings of other human rights organizations confirmed that Sudan remained Africa's worst human rights disaster zone. Its conclusions concurred with those of the Special Rapporteur (E/CN.4/1998/66) that there had been no improvement since the Commission's adoption of resolution 97/59. The figures published by the United States Committee for Refugees confirmed the genocide that was taking place. The Special Rapporteur had exposed some of the methods used by the National Islamic Front (NIF) to implement a totalitarian and genocidal "holy war". By far the most powerful instrument was to starve the population by causing famines and by manipulating humanitarian aid. Vast regions of the country had been subjected to military offensives and economic embargoes and were closed to United Nations agencies and other international organizations.

42. The principal victims were the prominently Christian and Animist communities that resisted forced Islamization and Arabization. But, as with all totalitarian ideologies, the "Jihad" affected the entire population, including Muslims. The NIF was an extremist political and religious sect representing not more than 10 per cent of the population of northern Sudan. It had banned all democratic political parties and had not hesitated to imprison and torture a Muslim leader as distinguished as the former prime minister, Sadiq El Mahdi. It could be assumed that it reserved far more cruel punishments for less prominent citizens.

43. His organization urged the Commission to take account, in its resolution on Sudan, of the warning by the United Nations Secretary-General, in a recent interview in the Tribune de Genève, to the international community against further complacency when confronted with genocide and to condemn in the strongest term the NIF's countless gross violations of human rights and especially its role in the genocide. It encouraged the Secretary-General to take a firm stand against genocide and to act urgently.

44. Mrs. MILLI (December 12th Movement International Secretariat and International Association Against Torture) drew the Commission's attention to the violation of the human rights of political prisoners in the United States of America. The two non-governmental organizations which she represented were deeply concerned about the plight of persons on death row and were especially outraged by the State of Pennsylvania's plans to execute the writer and journalist Mumia Abu Jamal. His case symbolized the blatant practice in the United States of violating the human rights of those who struggled against oppression, particularly persons of colour. After summarizing the conditions in which Abu Jamal had been tried and sentenced for a crime he had not committed, she informed the Commission that, on 6 December 1997, an international people's tribunal had been held in Philadelphia on Abu Jamal's behalf and had resulted in recommendations for his immediate release and compensation, an independent international and impartial judicial investigation into the FBI's counter-intelligence programme and an urgent request to the Secretary-General of the United Nations to appoint the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on torture and on the independence of the judiciary to conduct hearings in Philadelphia.

45. She urged the Commission to support those recommendations and a resolution adopted on 1 April 1998 by the European Parliament recommending, inter alia, that Abu Jamal should be retried. She urged the Commission to condemn the recent repressive measures against all the inmates on Pennsylvania's death row. She referred the Commission to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to the United States and requested that both he and the Special Rapporteur on torture and the Working Group on Arbitrary Detention should carry out further investigations. She also requested the Commission to appoint a special rapporteur to investigate patterns of persistent human rights violations in the United States of America.

46. Mr. Hynes (Canada) took the Chair.

47. Mr. FERNANDEZ BULTE (Felix Varela Centre) said that his organization was a Cuban NGO engaged in the drafting of new ethical premises for the third millennium to contribute to ensuring the survival of humanity. It therefore had an involvement in human rights and in endeavours to ensure sustainable development. The anachronistic language used in the Commission, a reminder of the cold war years, made him shudder, especially in the case of the report of the Special Rapporteur on the situation of human rights in Cuba. Such language only hardened antagonistic positions when in fact it was high time for creative thinking in order to promote diversity of experience and pluralism, together with a tolerance which would not be merely rhetorical.

48. The Centre called for an end to the old confrontation and discriminatory treatment against Cuba and demanded the lifting of the blockade asphyxiating the country. If the Commission was not to lose credit and, consequently, its effectiveness, it should not allow itself to be diverted from its task of seeking ways to allow human rights to be defended and the sustainable development of the planet to be ensured.

49. Mr. MARTÍN SÁNCHEZ (National Union of Jurists of Cuba) said that the views of the Special Rapporteur on the situation of human rights in Cuba on the legality of his organization (E/CN.4/1998/69) were regrettable; by his own confession, those views were spread by groups of Cubans living in the United States or came from members of Congress. His organization performed important educational work in cooperation with prestigious institutions like the Inter-American Institute of Human Rights and the International Committee of the Red Cross. It contributed to the rule of law by participating in the law-making process. It had, for example, taken part in the drafting of three new laws which had been enacted in the course of the previous year. The first regulated the structure and the functioning of the courts of law and strengthened the unity and independence of the judiciary system, established the principle that judges were accountable only to the law itself and confirmed the equality of participation of jurymen in trials so as to ensure transparency and democracy in the administration of justice. The second bill was a law on the Attorney-General of the Republic, whereby the Office of the Attorney-General not only had the function of monitoring observance of legality, but also of defending the rights of citizens. An individual could therefore file a complaint or bring a suit in the event of an abuse by agents of the State. The third law aimed at updating the labour justice system by providing full guarantees to all workers, regardless of their employment, and creating labour courts with equal representation in the workplace. He found it astonishing that such achievements had been completely ignored in the Special Rapporteur's report.

50. Cuban society was not static, petrified or totalitarian, as some people wished to depict it. There were more than 2,000 non-governmental associations and organizations in Cuba which imbued Cuban civil society with its own special dynamism. Far from being conformist bureaucrats, Cuban jurists were determined upholders of human rights and justice. Their objective was not to change the revolution in keeping with the wishes of the Special Rapporteur, who was trying to impose a model which had already failed in Cuba, but to make changes within the revolution. Even while recognizing the impact of the blockade on the most vulnerable sectors of the population, the Special Rapporteur omitted to say that the blockade was the worst possible violation of both individual and collective human rights.

51. Mr. NWIIDO (World Council of Churches) said that the Council was deeply concerned about gross and systematic human rights abuses in Nigeria in general and in Ogoniland in particular, where there had been an increase in extrajudicial executions and enforced disappearances. As a result of atrocities committed by the security forces, hundreds of Ogoni people had been forced to seek shelter in the Republic of Benin. More than 200 others had been arrested by the military. Early in 1998, the Council had received news of military raids on the local population as they prepared to celebrate Ogoni Day on 4 January 1998. During those operations, several persons had

been arrested. The previous day, the security forces had arrested Batom Mitee and 20 other persons, who had, according to eye-witness reports, been beaten up. In a letter to the Permanent Mission of Nigeria to the Office of the United Nations in Geneva, the Council had urged the authorities either to inform those arrested of the charges against them and give them an opportunity to defend themselves in a court of law or to release them immediately.

52. The Council, which had been urging Shell to negotiate with the representatives of the Ogoni people since 1996, noted with satisfaction the recommendation of the Special Rapporteur on the situation of human rights in Nigeria (E/CN.4/1998/62) that an independent agency should be set up to determine all aspects of environmental damage due to oil exploration and other operations. In September 1997, the Central Committee of the World Council of Churches, had, inter alia, urged Shell International to negotiate in good faith with the freely chosen representatives of the Ogoni people and with the representatives of civil society organizations in other parts of Nigeria with respect to its responsibilities in that country, including reparations for environmental destruction; it had urged all international oil companies active in Nigeria to review their operations with respect to their environmental and social impact and to withhold their cooperation from the Nigerian Government until such time as the rule of law had been restored and a civilian government freely chosen by the people was firmly in place; and it had called for the initiation of a fully participatory national dialogue in Nigeria to elaborate a new constitutional framework for governance.

53. Mr. VITTOTI (Pax Christi International) said that the majority population of Kosovo, which had been deprived of its independent status in 1989, was the victim of systematic persecution. The recent massacres in Drenika bore the stamp of deliberate ethnic cleansing. The people of Kosovo had chosen non-violent resistance, but that option was increasingly difficult to abide by. On the pretext that the conflict was an internal one, the great Powers were allowing the irreparable to be done, as had been the case in the Great Lakes region, and the statement made by the Chairman of the Commission on 24 March 1998 would go unheeded if the Governments which had adopted it did not force Serbia to comply with international law.

54. In Nigeria, pressure on the Government must be stepped up so that democracy could be restored and the Ogoni people could recover the rights that had been sacrificed to powerful oil interests.

55. If the international community had used the means at its disposal in Indonesia to oblige the authorities to comply with the resolutions of the Security Council, the people of East Timor would not be enduring protracted suffering. Burma under the military had become the world's major heroin producer. The regime in force, which had practically restored slavery, should be outlawed by the international community.

56. In view of the atrocities committed in Algeria, it could be asked why the Government, which was clearly not in a position to put an end to the carnage, refused help from the United Nations. In the Islamic Republic of Iran, it was still too early to share the optimism of the business world; repression had not eased and the number of executions had even increased. In Sudan, the assurances given by the Government were contradicted by the brutal

nature of the situation. The Democratic Republic of the Congo, which had a great deal to hide, had silenced its opposition and refused all visits from international observers. The strategy of the Mexican Government in Chiapas was also extremely alarming and the eviction of foreign witnesses was an ominous sign.

57. The International Criminal Court was having great difficulties in defining its nature, its jurisdiction and how it would operate. There was no basic difference between the suffering or the death of a child caused by racial hatred or by an unjustified blockade; criminals should be brought to justice without extenuating circumstances.

58. Mrs. VASQUEZ GOMEZ (International Working Group for Indigenous Affairs) introducing the testimony of women who had survived the Acteal massacre in Chiapas, said that paramilitary groups, which the Mexican Government tolerated and possibly supported, had attacked indigenous persons who were not members of the PRI. The women had been taken hostage and threatened with rape. Members of the peaceful organization Las Abejas, to which she herself belonged, had been hunted down. More than 9,000 persons had had to flee their land and had become refugees, under the protection of the Mexican Red Cross and other aid agencies. In view of the situation, she asked the Commission to appoint a Special Rapporteur to consider the situation in Mexico and to request the Mexican Government to agree to receive the Special Rapporteur on extrajudicial, summary or arbitrary executions, to disband the paramilitary groups and banish their leaders, to give guarantees to indigenous populations so that they could return safely to their communities, to withdraw the armed forces and police from the indigenous territories, to compensate the victims of the repression for the deaths of their murdered brothers and the loss of their harvest and to comply with the San Andrés agreements.

59. Mr. SRIVASATAVA (International Institute for Non-Aligned Studies) said that, while it was important to provide relief to the victims of human rights violations, it was more important to tackle the underlying causes. Many rapporteurs and experts had recognized that, in the long term, the establishment of democratic structures was the best means of enabling people to realize their rights, pointing out that even those people who had the potential for progress in all fields remained hostage to systems whose only purpose was to perpetuate discrimination and the power of the ruling classes. The independent expert on the situation of the human rights in Haiti and the Special Representative of the Secretary-General for human rights in Cambodia had drawn attention to the poor functioning of the judiciary in both countries, a shortcoming that was clearly due to the absence of democratic structures.

60. It was unfortunate that States which were in a position to contribute to respect for human rights in the world were more preoccupied with political and strategic issues than with the future of civilian populations around the world. His institute appealed to the great Powers not to use general sanctions, the only effect of which to date had been to increase the suffering of the populations of countries such as Iraq, Libya, Cuba and the former Yugoslavia. They needed to find an integrated approach to the issue of human rights to ensure the equitable treatment of people everywhere in the world. A

more intelligent use of their resources was also needed if they were to change education systems which were turning out backward minds and if they were to spread democratic values.

61. Mr. HADJAB (Movement against Racism and for Friendship among Peoples, MRAP) said that, although he intended to refer in his statement to Indonesia, Burma and China, he could not remain silent about the bloody conflict tearing Sri Lanka apart. It was useless to expect human rights to be respected in such a war. He drew attention to the fate of the Mohajirs, the Muslims from India who had emigrated to Pakistan. The Government of Pakistan must put an end to the repression against them.

62. In Indonesia, human rights violations were getting worse every day. The massacres which had been perpetrated by the army since 1965 and which had cost the lives of 3 million Indonesians and East Timorese had been brought to the Commission's attention by various NGOs. Since the right to life was not respected, the right to information and the right to freedom of association clearly fared no better. Such violations continued because they went unpunished. In the region of Jakarta alone, there had been some 100 deaths in recent months. There had also been an increase in the disappearance of persons whose opinions were not to the Government's liking and who were presumed to have been kidnapped and detained by the military authorities. Along with the text of its statement, his organization was submitting a provisional list of missing persons to the Commission. Those arrested were systematically tortured and the testimony of Mr. Hendrik Dikson Sirait, the text of which had also been distributed, was very relevant.

63. The previous day, the Commission had heard the testimony of several representatives of the movement for democracy in Burma on the serious human rights violations which continued to be committed in that country. In that connection, he once again raised the question of the representativeness of certain "eminent persons" who took part in the Commission's work. It had been nine years since elections had been held in Burma and the international community was still waiting for the military regime to establish a constructive dialogue with the elected representatives of the people. The cultural genocide to which the country's ethnic minorities were subjected must also be denounced.

64. With regard to the People's Republic of China, his organization drew the Commission's attention to the cases of Mr. Li Bifeng, who had been arrested for revealing information on social protest movements, and Mr. Shen Lianqing, who had received an administrative sentence of two years of re-education through labour for writing open letters in favour of political reform and respect for human rights.

65. Mr. RANDHAWA (Human Rights Advocates) drew the Commission's attention to the pattern of gross human rights abuse in Punjab Khalistan. The Special Rapporteur on extrajudicial, summary or arbitrary executions had expressed deep concern about violations of the right to life by Indian security forces, which, according to Amnesty International, acted with the sanction of the State. Recent investigations had indicated that the Punjab police had ordered the cremation of thousands of unidentified bodies. Since the investigations had covered only one of 18 districts in Punjab, the Indian Supreme Court had

ordered the Central Bureau of Investigation to investigate all regions of the State. Unfortunately, the results had been sealed at the Bureau's request.

66. The Working Group on Enforced or Involuntary Disappearances reported 272 cases of disappearances brought to the attention of the Indian authorities. According to Amnesty International, the practice was systematic. India's response had been to refuse to cooperate.

67. Torture continued to be endemic, although India had signed the Convention against Torture. An investigation at the National Police Academy revealed that 17 per cent of senior officers agreed that confessions could be extracted by torture.

68. The main targets of human rights violations were journalists, members of opposition parties, lawyers assisting abused victims and individuals who had cooperated with United Nations human rights bodies. No effective legal remedies were available in Punjab. The police often refused even to file the initial report without which there could be no investigation and, even when a complaint was filed, the judicial procedure was prohibitively long and expensive. In addition, the victims and their families and witnesses were harassed and intimidated by the police, whose members often refused to cooperate with the courts. Special laws ensured that members of the security forces could not be prosecuted, thus allowing them to act with impunity.

69. In the circumstances, the refusal to permit international human rights observer bodies to go to Punjab was particularly alarming, particularly as a number of restrictions limited the action of the National Commission on Human Rights, which was not empowered to investigate allegations of human rights violations against the armed forces or to investigate cases more than a year old.

70. In view of the pattern of gross violations of human rights, it was recommended that the Commission should ask India to authorize human rights organizations to visit Punjab, to publish the conclusions of the report of the Central Bureau of Investigation on the incinerations, to ensure compliance with the decisions of the judiciary and to expand the competence of the National Commission on Human Rights so that it could effectively carry out its duties.

71. Mr. RAVENNA (Permanent Assembly for Human Rights) said it was regrettable that, with the establishment of democratic regimes, the perpetrators of serious human rights violations under previous regimes very often went unpunished. There were two explanations for that problem: in the first place, a liberal State was a weakened State which did not fully assume its powers and, in particular, did not fully guarantee the security of its citizens and their access to independent justice; and, secondly, in order for the perpetrators of yesterday's genocide to be able to coexist day after day with their victims, other forms of complicity were created and often led to further impunity. In Argentina, for example, the perpetrators of the attacks on the Argentine-Israeli Mutual Association and the Embassy of Israel were still not known, and the murderer of the journalist and photographer José Luis Cabezas had still not been identified.

72. The institution of proceedings in Italy and Spain in connection with the disappearance of Italian and Spanish nationals in Argentina and Chile was to be welcomed because they would give a fresh impetus to action to combat impunity. The investigations had shown that notorious criminals held numbered bank accounts in Switzerland and the Swiss Government should be thanked for its cooperation in that regard. It was noteworthy that the Menem Government refused, for example, to give information about General Bussi's tax and property situation. The holding of those trials would be an important factor for the Diplomatic Conference which was to be held in Rome starting on 16 June and at which it was to be hoped that States would agree to establish an international criminal court that would be permanent, fair and impartial and have an independent prosecutor, as well as competence to try all crimes and to receive complaints from individuals, while being able to authorize the participation of NGOs and benefit from all possible guarantees for holding fair trials.

73. He denounced the attitude of Spain, which said that 18,246 Argentine nationals were authorized to work in the country, but had brought proceedings against Argentine dental surgeons for xenophobia. The situation had been brought to the attention of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

74. Mr. KHANAL (Nepal) said that, in its concern to strengthen respect for human rights, his Government had, since the country's return to democracy, established a national commission on human rights and had enacted laws on compensation to the victims of torture. In order to minimize the chances of possible violations of fundamental rights by security personnel, principles of human rights and humanitarian law had been included in the curriculum of the police training programme. The Constitution of Nepal guaranteed the enjoyment of rights to every citizen without discrimination. The authorities were currently scrutinizing all domestic laws so as to remove all discriminatory provisions, although time was necessary to amend some centuries-old traditions deeply embedded in society. All citizens had full freedom of expression and freedom to exercise their political choice through the ballot box, without resorting to violence or terror.

75. For the past couple of years, there had nevertheless been senseless acts of violence perpetrated by a group of people claiming to be from the Communist Party of Nepal (Maoist). In the name of a so-called "people's war", that group had been attacking police posts in some remote districts and killing and maiming innocent civilians who did not subscribe to their ideology, thus violating fundamental rights and flouting the norms of civilized society. The authorities had been compelled to take appropriate action against the perpetrators of those acts, in accordance with the law. The circumstances under which the terrorists in question had been arrested and interrogated had been exaggerated in the information transmitted by the Special Rapporteur (E/CN.4/1998/68/Add.1). In no cases had the law enforcement authorities resorted to any form of brutality and there had been no instances of deaths in police custody. The security forces could not act without the approval of the local civilian administrator, who authorized the use of force only if he was convinced of danger to human life. His delegation therefore denied all the charges made as baseless.

76. As one of the least developed countries in the world, Nepal could not afford to have its development activities obstructed by undemocratic acts of violence inspired by political prejudice. In its concern to put an end to terrorist acts by peaceful means, the Government had on several occasions offered their perpetrators opportunities to negotiate and discuss their grievances, but the initiatives had been in vain. The authorities were nevertheless determined to resolve the problem peacefully.

77. Mr. LORUTTI (Argentina), referring to the question of human rights in Cyprus, thanked the Secretary-General and his new Special Adviser for Cyprus, Mr. Córdovez, for their efforts to seek a comprehensive solution, particularly by means of ongoing direct negotiations among the leaders of the Greek Cypriot and Turkish Cypriot communities. He welcomed the humanitarian activity of the United Nations Peace-keeping Force in Cyprus, in particular in encouraging contacts and establishing confidence between the two communities by encouraging activities which included both. He noted with satisfaction that, following the first meeting in July 1997, the representatives of the two communities had met again on 23 January 1998 in the presence of the Special Representative of the Secretary-General.

78. His Government nevertheless continued to be concerned about the situation of human rights in Cyprus and to hope for a fair settlement, based on international law, particularly provisions on the right of refugees to return home and to recover their property which would make it possible for a single independent Cypriot State to exist in which the two communities would cohabit on an equal footing; it was therefore in favour of a federation composed of two communities and two zones and ruled out total or partial union with another country or any other type of partition or secession.

79. The Turkish Cypriot authorities had improved the humanitarian situation to some extent compared with 1995, for example, by increasing the number of telephone lines in some regions and by permitting the Force's patrols to meet the Greek Cypriots in the Karpas sector without a police presence. It was to be regretted, however, that many of the restrictions on movement and rights of inheritance imposed on the Greek Cypriots and on the Maronites living in the north of the island still existed. The deterioration of churches and other religious property was also a subject of concern.

80. His delegation urged both parties to implement the resolutions of the General Assembly, the Security Council and the Commission.

81. Mr. AGURTSOU (Belarus) said that, 50 years after the adoption of the Universal Declaration of Human Rights, no country in the world could claim total respect for human rights. Similarly, no country could claim to establish rules and criteria for human rights. The policy of double standards in evaluating human rights situations was unacceptable, as was the fact of using the protection of human rights to promote political interests. Only a constructive and balanced approach, based on cooperation and dialogue, could genuinely contribute to improving the human rights situation. It should also not be forgotten that, to promote human rights the root cause of violations must be tackled and it was often economic in nature.

82. Despite the difficulties that his country was encountering during the transition period from a centralized totalitarian regime to democracy and a market economy, the Government was sparing no effort to build a State based on pluralism and the rule of law. It was endeavouring to mitigate the effects of the transition on the people's enjoyment of its economic, social and cultural rights. Economic difficulties were aggravated by the fact that the country still had to spend 20 per cent of its annual budget on the consequences of the Chernobyl nuclear accident. However, in a State that was multinational and multiconfessional, there was no ethnic or religious conflict, an exceptional situation in a former member country of the USSR.

83. The main problem facing Belarus was perhaps one which was common to all countries in a period of transition, namely, the change in attitude towards social and political questions in general. Democracy was not established in a day and could not be decreed from the top down. The Government was gradually introducing reforms which should eliminate remaining obstacles to the realization of human rights. While emphasizing the importance of the role of technical assistance, it intended to ensure the success of the programme drawn up with NGOs, in cooperation with UNDP, to strengthen institutions and infrastructures for the protection and promotion of human rights.

84. His Government also wished to cooperate with European regional organizations, particularly OSCE, in order to establish democratic institutions and training programmes for its citizens. It had been visited by an OSCE advisory and monitoring group and cooperation with the group should make it possible to strengthen human rights legislation and institutions, for example, through the establishment of an ombudsman's post. His Government welcomed with interest all cooperation with foreign Governments, international organizations and NGOs.

85. Mr. PALIHAKKARA (Sri Lanka) said that, although his Government had launched an integrated strategy for peace and development, the Liberation Tigers of Tamil Eelam (LTTE) continued to undermine the process by acts of terrorism. Sustained mostly by financial assistance from abroad, the LTTE had recently increased the intensity of its activity, but had been unable to obtain broader support from the people it claimed to represent. The voters of Jaffna had refused to pay attention to its threats and had gone to the polls in January 1998. The turnout (20 per cent) had been low, but the election had indicated an emphatic refusal of violence and acceptance of the democratic process. Although for more than 10 years elections in Jaffna had been prevented by terrorism, the population had elected its first woman mayor, the candidate of the oldest Tamil parliamentary party in Sri Lanka. Abroad, too, the LTTE was increasingly branded as a particularly ruthless te rorist organization. The Government remained ready to negotiate with the LTTE, provided that the organization gave up terrorism and entered the democratic process in which the other political parties were engaged.

86. The new draft Constitution provided for further safeguards against human rights violations. It also made provision for an unprecedented devolution of governmental power. Those provisions ensured that people from all regions, regardless of their ethnic origin, could administer their own affairs. The Human Rights Commission of Sri Lanka had become operational; it had already considered petitions and had made over 700 visits to police stations. A

budget of 28 million rupees had been allocated to it. In October 1997, Sri Lanka had ratified the Optional Protocol to the International Covenant on Civil and Political Rights.

87. With reference to alleged disappearances, the Government had already had occasion to discuss that area of concern with the Working Group on Enforced or Involuntary Disappearances; investigations were in progress and a visit by the Working Group was being considered. Freedom of expression was a constitutionally guaranteed right and it was to be noted that the Government had strongly condemned the harassment of a journalist and that investigations were under way in that regard. All relevant information would be made available to the Special Rapporteur on freedom of expression.

88. On humanitarian issues, the Government of Sri Lanka had continued its productive partnerships with a number of United Nations agencies, other international organizations and NGOs. In 1997 alone, the Government had spent approximately 2 billion rupees on supplying goods and services to the north, with the full knowledge that a considerable percentage of that assistance had been creamed off by the LTTE terrorists. The Special Rapporteur on extrajudicial, summary or arbitrary executions had visited Sri Lanka several months previously at the Government's invitation. He had been given full freedom to meet persons he had wished to see and had had access to all information. After the first reading of his report, the Government had found that certain generalizations did not reflect the complex issues involved; it would, however, continue to make a careful study of the report and would continue the dialogue with the Special Rapporteur.

89. Mr. Selebi (South Africa) resumed the Chair.

90. Mr. WU Jianmin (People's Republic of China), recalling that it had been some 30 years previously that the Commission had decided to incorporate the item on the violation of human rights and fundamental freedoms in any part of the world in its agenda, said that that item had become the most controversial and most highly politicized. In celebrating the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action, it was perhaps time to envisage reforms to or changes of that item in order better to serve the cause of human rights.

91. It was of primary importance for the Commission to evaluate the human rights situation objectively in member States. It should take three elements into account. Firstly, the Government and the people were in the best position to know and understand the human rights situation in their country. Secondly, while recognizing the universal nature of human rights, each Government and its people had the right to determine their own priorities and how they wished to promote and protect human rights; for example, everyone agreed that democracy was a good thing, but there were different ways of expressing it; while it was possible in Switzerland to organize a referendum to decide whether to build a tunnel or a road, such a situation would be unthinkable in China, where thousands of construction sites existed. Thirdly, the promotion of human rights was a long and ongoing process; each State was involved in that process, but all at different rates, and no State should

impose its model on others. A great Power which had won independence in 1776 had abolished slavery only 87 years later and had not achieved universal suffrage until 1964.

92. While all men were created equal, no one was perfect. It was therefore unjustifiable for certain countries to adopt a condescending and arrogant tone in accusing others. It was because the principle of equality had not been observed that the Commission on Human Rights had become a place of North-South confrontation and even a tribunal.

93. Thirdly, the best way to promote and protect human rights was through dialogue and cooperation rather than confrontation. Since the end of the Cold War, the Commission had adopted 87 resolutions all directed against developing countries. As a consequence of that abnormal situation, the atmosphere in the Commission had become increasingly intense and conflictive and the cause of human rights in developing countries had suffered from that situation. The current session had made more room for dialogue and cooperation than confrontation; the Chinese delegation was ready to work together with all other delegations that wished to promote human rights in that spirit.

94. The representative of a developed country had made unwarranted charges against China in her statement, thus revealing her ignorance about the reality of modern China. Like it or not, China was currently going through a period of major progress, including unprecedented advances in the field of human rights.

The meeting rose at 6.05 p.m.